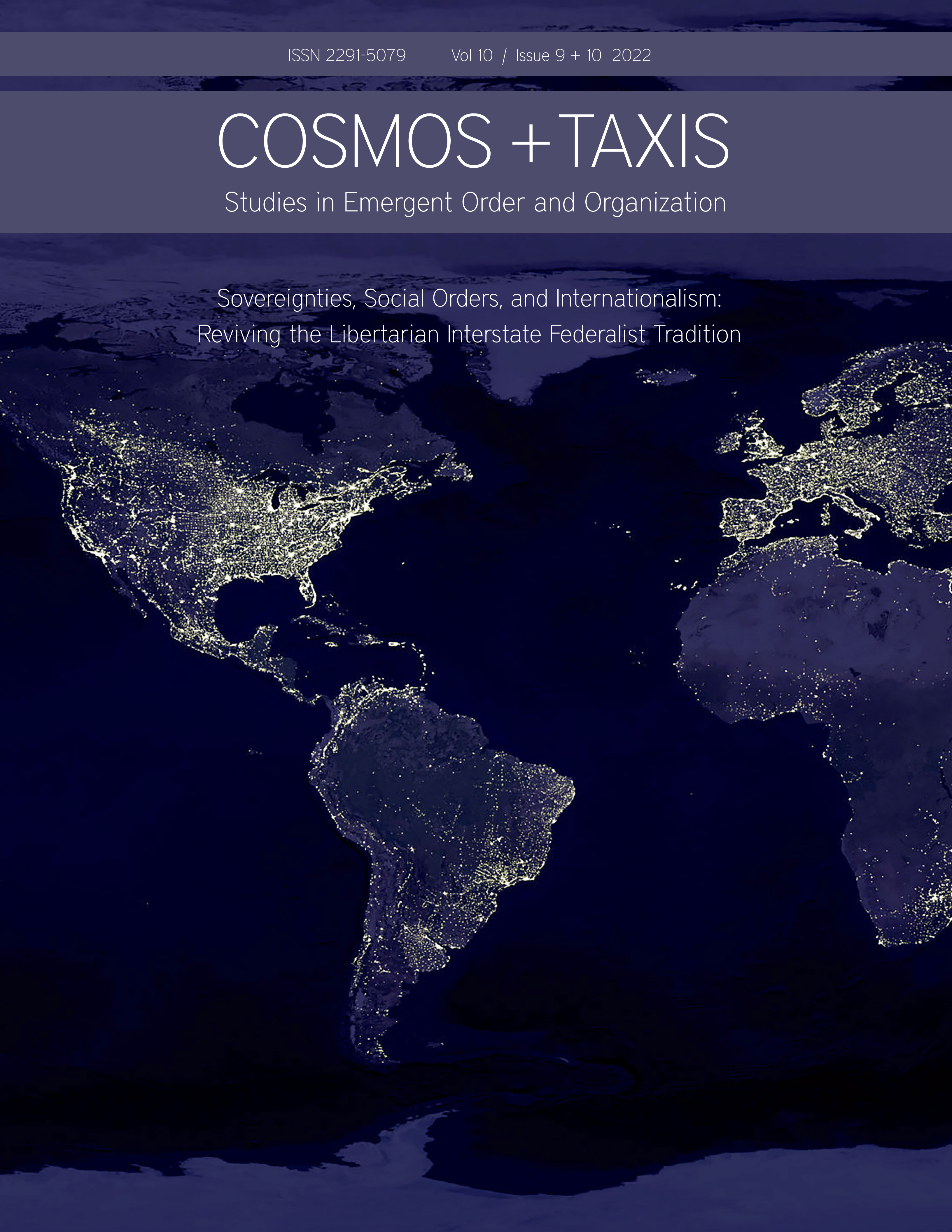
ISSN 2291-5079 Vol 10 / Issue 9 + 10 2022

COSMOS + TAXIS

Studies in Emergent Order and Organization



Sovereignties, Social Orders, and Internationalism: Reviving the Libertarian Interstate Federalist Tradition

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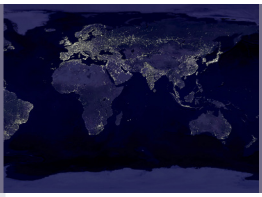

COVER IMAGE
Composite map of the world assembled from data acquired by the Suomi NPP satellite in April and October 2012.
NASA Earth Observatory/NOAA NGD

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Introduction

BRANDON CHRISTENSEN
Notes On Liberty

A reassessment concerning international relations and foreign policy has been long overdue for classical liberals and libertarians (henceforth libertarians).[1] The logic of the Westphalian nation-state continues to pervade their thinking in this area of inquiry. This is both forgivable and understandable, as the Westphalian state system has spread across the globe since the end of both World War II and Europe's major empires.[2]

Yet libertarians have managed to make important, distinctive inroads in other areas of inquiry, especially in the disciplines of economics and philosophy, using the theoretical foundations of spontaneous order (D'Amico 2015), anti-nationalist liberalism (Kukathas 2006, pp. 182-207), and polycentric governance (Lemke & Lofthouse 2022) as their guide. There is no good reason why libertarians cannot do the same when it comes to interaction between polities.

Indeed, libertarians have long been concerned with the interaction of polities, which are central to issues of war and peace, poverty and wealth, and human flourishing or degradation. This interest predates the Westphalian state system, too. Adam Smith, for example, was interested in how the British monarchy—a political body of English and Scottish aristocrats divided into legislative, judicial, and executive branches—could form deeper political bonds with its colonies around the world. The Westphalian nation-state and its sovereignty had no bearing on many of his thoughts about the interaction of polities in the world.[3] The American federalists, faced with the terrifying prospect of rivalrous bloc formation in North America, advocated for a federal union between the former colonies of British North America rather than as thirteen sovereign states (Hendrickson 2003, Deudney 1995, Edling 2018 and Totten 2020). In their example, Westphalian nation-statism is present in their logic, but it's not a given and it's something to be avoided.

Alternatives to the Westphalian nation-state and its balance of power system continued to be favored by libertarians through the end of World War II and into the 1950s. F. A. Hayek and Ludwig von Mises both called for more political bonds to be formed between polities, with Mises suggesting a supreme central government without constitutional checks and balances for eastern Europe (Mises 1944, pp. 271-278) and Hayek, in 1939, calling for "the abrogation of national sovereignties" under an international legal regime (Hayek 1976 [1939], pp. 255-272).

The Cold War and the decolonization of the world into nation-states buried this creativity. In its place arose two doctrines, both borrowed from statists, that called for the supremacy of the nation-state in international affairs: noninterventionism in the Anglo-American world, and nonfederal economic cooperation in Europe. These new doctrines were likely borrowed because of their utility in American domestic political spats regarding its new role in the world.[4] Yet even though the Cold War is over, and the nation-states of the decolonization era have shown themselves to be deadly fictions, libertarians continue to embrace the supremacy of the Westphalian nation-state as a template for interpolity orders.

This Special Issue is a first step aimed at changing this sordid state of intellectual affairs. The Westphalian nation-state still figures prominently in its articles, but the rich traditions of inquiry found in spontaneous orders, anti-nationalist liberalism, and polycentric governance have driven the template of this Special Issue. The groundwork has already been laid for a libertarian foreign policy. It can be found in the work of thinkers like Adam Smith, James Madison, F. A. Hayek, and Vincent Ostrom. Contemporary scholarship has sought to build upon this foundation,[5] but with this Special Issue it is my hope that the non-interventionism and nation-statism of the Cold War can finally be elbowed aside so that sovereignties, world orders, and federations can again be fully explored as paths forward for a more libertarian world.

*****

I'd like to give my eternal gratitude to David Andersson and Leslie Marsh for taking a chance on me and awarding me a slot for guest editing this Special Issue. I believe I was the last guest editor ever awarded a slot by David before his well-deserved retirement from *Cosmos + Taxis*, so in addition to his generosity I must give my double thanks to Leslie for taking on the task of editing such a large volume and for a project that he may not have entertained were he the editor-in-chief.

I'd also like to thank the scholars who served as referees for these chapters. One of the benefits of *Cosmos + Taxis*' approach to guest editing is having to find your own referee pool. I ended up utilizing twenty-eight scholars as referees for this Special Issue, and I subjected each manuscript to a triple-blind peer review, so all twenty-eight scholars had to spend a generous amount of time on this project. These scholars were not paid. In many cases, I approached the referees unexpectedly, and all were kind enough to not only volunteer their time but point me in the direction of similar-minded scholars who might be willing to serve. I made many friends during the review process (and probably also some enemies) and I cannot thank them, or *C+T*'s editorial team, enough for giving me the opportunity to publish what I believe will be a cornerstone for libertarian foreign policy discussions over the next half century.

NOTES

1 I am aware that there are important distinctions between libertarians and classical liberals, but I am short on space, so see Van de Haar 2015 for details on these distinctions.

2 For interesting discussions on the spread of Westphalian nation-states, see Zacher 2001 and Spruyt 2000, 2017

3 Winch 1996 has a helpful explanation.

4 See Deudney 2007, pp. 181-189 and 215-243 for context regarding the compound republic's role in postwar Europe

5 See Salter & Young 2019, Andersson 2012, Fay 2017, MacDonald 2019, Christensen 2021, and Coyne and Goodman 2020.

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PART I: Sovereignties

Anthropology and the Ancient Roots of Some Modern Politics

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Abstract: The state and sovereignty are generally presented as matters of political modernity and in sharp contrast to the dynamics of primitive societies. Anthropologists have conveyed political organization through a binary contrast (primitive and modern) or a ladder-like progression (bands, tribes, chiefdoms, states; egalitarian, ranked, stratified). The discourse on states offers a choice between hostile and benign types. I suggest that 'the state' and 'primitive society' have been oversimplified for dramatic effect and that neither is a coherent entity. The common notion that primitive societies were egalitarian and based in kinship while states are stratified and territorial is not supported by facts. I make the case that humans have 'always' been politically modern, drawing on four sets of material; ethnology, Aristotle, a recent rewriting of human political history, and evolutionary studies of human cognition and sociality.

STATES AS OBJECTS OF KNOWLEDGE AND IDENTITY

> We are variously urged to respect the state, or smash the state or study the state; but for want of clarity about the nature of the state such projects are beset with difficulties (Abrams 1988, p. 59).

States are generally understood in terms of government, law, and the exclusive right to wield military force (Weber 1946). Sovereignty implies the ability to enforce law as well as to decide on matters of life and death (Agamben 1998). These elements have often been spelled out through a contrast between 'modern' and 'primitive' societies, with the latter marked as lacking state-organization and the elements of sovereignty. In his book, *Ancient Society*, New York lawyer Lewis Henry Morgan (1877) charted the ladder-like sequence of human social forms from savagery to civilization, and did so primarily in terms of technology and mode of livelihood. In his scheme, Indians (Native Americans) were non-state societies that were not territorial. One basic implication of his study was that Indians were not lords of the land, so to speak, and thus their dispossession was not a case of injustice.

Understandings of modernity and its opposites were part of the colonial-era dynamics of dispossession, in the United States and in many other parts of the world. At the conclusion of his study, Morgan left his readers at the triple intersection of white racism, colonialism, and manifest destiny:

> The Aryan family represents the central stream of human progress, because it produced the highest type of mankind, and because it has proved its intrinsic superiority by gradually assuming the control of the earth. And yet civilization [including the state] must be regarded as an accident of circumstances [but ultimately also the result] of the plan of the Supreme Intelligence to develop a barbarian out of the savage, and a civilized man out of the barbarian (Morgan 1877, pp. 562-63).

Morgan assumed, along with many other writers at the time, that human societies had gone through progressive stages, starting in simple and kinship-based societies. It was only many stages later that societies became territorial. The assumed shift from kinship to territory, or blood to soil, was thought to mark a genuine shift from primitive to advanced or modern social types (Maine 1861). Morgan's analysis was open to various interpretation, including the ostensible discovery of primitive communism in the ancient absence of bourgeois families and private property: Friedrich Engels drew on Karl Marx's notes on Morgan's study to write his *Origin of the Family, Private Property, and the State: in light of the Researches of Lewis Henry Morgan* (Engels 2010 [1884]).

Along with James Frazer and Edward B. Tylor, Morgan is recognized as among the ancestors of the discipline of anthropology. The next generation of scholars in the UK and the USA defined themselves in many ways in opposition to their ancestors' evolutionary speculation.[1] But along with apparent shift there was considerable continuity in the notion of 'primitive society' as rooted in kinship and egalitarian social relations. This trend is apparent in various works on the anthropology of politics, such as *African Political Systems* (Fortes and Evans-Pritchard 1940), *The Evolution of Political Society* (Fried 1967), and *Origins of the State and Civilization* (Service 1975).

African Political Systems rests on the idea that there have been two types of political societies; one type is acephalous (head-less, leaderless, egalitarian) and based in kinship relations, the other is territorial and stratified; states. *The Evolution of Political Society* argues that a liner progressive model captures political evolution, from egalitarian and kin-based societies and on to stratified states. Fried assumes that states arose for the defense of inequality; that they are a mechanism for the preservation of class-based injustice. *Origins of the State and Civilization* posits the same starting-point in egalitarianism and kinship; "egalitarian primitive society lacks formal authoritative offices and formal law" (1975, p. 54).

Like Fried, Service was convinced that evolution was a matter of increased complexity and inequality. He refuted the notion that states arose for the preservation of class-based inequalities, suggesting instead that states arose as bureaucracy grew to manage redistribution and administration. States were an evolutionary consequence of a much earlier effort started by informal ('big-man') rulers; "to perpetuate … social dominance by services to [their] fellows" (Service 1975, p. 308). Service's conclusions to his study suggest some blend of mysticism and naturalism: Political evolution toward the state; "required just the right balance of several conditions and circumstances, like the growth of a rare and delicate new plant. But also like a plant, important determinants of the direction of its growth lay within itself" (Ibid.).

American anthropologists Morton Fried and Elman Service were contemporaries. They were familiar with each other's work, occasionally debated the issues, and they built their analyses from some of the same examples. Both took as axiomatic the notion that small-scale, kin-based and egalitarian social forms were a basic condition for early humans, and that subsequent history manifest a directional change that ultimately produced 'the state.' For Fried, the state was for the benefit of the ruling class. Service appears to agree on inequality in states, but he presents the state as a positive force whose bureaucracy ensures the distribution of benefits to society's members.

Ideas about the object of inquiry, 'the state,' set up how people study it and test their understandings (Jonsson 2018). Fried and Service each ignored or dismissed cases or interpretations that did not fit their respective cases (see Fried 1978, p. 44). This is very much how science plays out, according to Thomas

Kuhn (1970). Dominant understandings inform methods and theories, and they stay paradigmatic until the anomalies are too many to ignore. Then a new orientation emerges, with a separate ontology, and the process continues in a different direction and is spread through the writing of new textbooks.

Scientific practice has never been singular; there is often room for differences and rival camps that sustain the possibility of open-ended creativity that can lead to new understandings. Kuhn's study challenged the common notion that scientific knowledge had evolved in any kind of progressive and linear way of accumulating knowledge. Instead, he showed, there were various stages of stability that were then shaken through 'revolutions' anchored to new and different cosmologies, methods, theories, and items of knowledge.

'The state' as an item of evolutionary speculation, theories, and evidence may perhaps be compared with 'the horse'. This is not about comparing the 'items,' that would be nonsensical. Instead, the point is to recognize similarities in how ideas about evolution have contributed to particular understandings that misconstrue the historical or evolutionary record and its units. Naturalist Stephen Jay Gould (1991) describes how the notion of evolution as a ladder of progressive stages informed what turns out to have been an optical illusion. It was assumed that 'the horse' had started small and with several toes and then gradually it grew in size and eventually had one hoof instead of the previous toes. This was plotted on a stratigraphic map and appeared very compelling and true.

However, the actual evidence tells a very different story. This includes for instance two species that were assumed to represent a particular sequence (one replacing the other) but turn out instead to have coexisted for four million years. The ladder of distinct stages does not capture how evolution works, according to Gould. Instead, evolutionary changes are a matter of bushes, with innumerable branches and twigs with no overall directionality. Nor is there a way to tell that any one branch is more advanced than the others. Our understanding of 'the horse' as a thing of a singular trajectory leads us to dismiss the ongoing production of diversity (and all the examples—genera and species—that don't fit the story of the assumed horse) and to flatten a three-dimensional bush into a two-dimensional ladder that meets our expectations regarding directional changes over time.

The contemporary academic engagement with the state, its character and history, is a continuation of political and moral debates about cities and their relationship to the countryside, that can be traced back at least to ancient Greece. Julio Caro Baroja (1963) explored these debates, and found considerable continuity in how sociologists in the twentieth century were framing peasants and traditional society in relation to urban commerce and modernity. In general terms, the city and the country are plotted in space and time as a directional change with moral weight, in various configurations of tradition and modernity and virtue and vice.

Plato offers one example in his scheme of history as a move from virtue and naïve simplicity among the mountain folk, then a gradual move downhill, and ultimately to the commerce-dominated cities on the coast that were marked by corruption and other vices (Plato 1980, p. 59; 676c). There are many possible configurations, but what they all share is that they enable and inform factional divides among educated urbanites who align themselves with virtue against their corrupt rivals. Tradition is generally mapped on the countryside and modernity on the city, but tradition is variously a defense against corruption and alienation or it is a bastion of conservatism and ignorance against the refreshing wave of liberty.

Caro Baroja shows quite clearly that the historical evidence was made to fit whatever case was being made. His main point was that the binary contrast of city and country misconstrued history, society, and diversity through overgeneralization and oversimplification of each part. Cities and the countryside have always been shaped through their relations (rather than standing as distinct types), and each area is made up of diverse groups who often are in tension and conflict (rather than ever being uniform and united). That is, history was being made (up) through contrasting images of social types that were plotted on space and time. Different versions of the evolution of the state express a similar dynamic, and appear as questionable as the fabricated linear evolution of 'the horse.'

The ideas of how cities and the countryside relate have long allowed for debate and factionalism in western societies, as is clear from Caro Baroja's study. No amount of scientific inquiry will solve the issue or remove the debates. Social divisions are an ordinary affair, and in this case they rest on how people relate (emotionally as much as intellectually) to specific everyday items. Through identification with a particular understanding of history, cities, or the state, individual people come into identity as members of an association with a particular genealogy (a set of ancestors and orientations) and a certain history (struggles, tension, battles, drama, and victories). Shared understandings of history and the state, that are expressly counter to another group's different understanding of history and the state, enable networks ('imagined communities') of like-minded people.[2]

PERPETUAL DIVERSITY AND COMPLEXITY

> [T]he state, like *the* town and *the* family, is a spurious object of sociological concern (Abrams 1988, p. 63).

The evolutionary perspective of scholars like Lewis Henry Morgan and E. B. Tylor assumed all of humanity. The focus and the findings are strikingly different from what later became the dominant trend, of an ethnographic focus on individual peoples (most often as ethnic groups, such as 'the Nuer') and an indifference to the notion of a human trajectory. The focus on the distinct-ness of individual ethnic groups invites particular forms of simplification (see below). Histories of anthropology chart the shift from evolutionism to ethnography; a concern with social structure (in British anthropology) and with culture (in US American anthropology).

Most of the intellectual histories don't make much of ethnology, the analytical style that sits between these two—the focus is comparative, regional, and historical. The few that do tend to label the US variant 'historical particularism' and to characterize it by the reluctance to generalize about anything (Kuper 2005, pp. 115-34). An alternative perspective on this history suggests that ethnology offers a grounded critique of both the evolutionist focus and the subsequent ethnographic one. Ethnology involves a systemic search for patterns and variations in individual items (marriage, guardian spirits, kinship, politics) in ways that do not assume any uniform trend (all of humanity, or each ethnic group is unique). As an example, Edward Westermarck (1891) focused on marriage and concluded that nothing supported the then-common expectation that in ancient times there had been group-marriage and that the monogamous family was a later (evolutionary) occurrence. While some of his case can be challenged, his main point stands that there are basic matters of nurturing and exchange associated with human biology and sociality (childbirth, childrearing) that require a set of social responses which have remained rather constant (Hrdy 2011).

Many ethnologists were interested in evolutionary questions without assuming that evolution had any predictable outcomes. Some, such as Franz Boas, were committed social reformers who used research to challenge what they saw as unjustified discrimination, including racism and sexism (Boon 2010; Lowie and Hollingworth 1916). Regarding understandings of the state, Robert H. Lowie is particularly interesting. His studies, through his own fieldwork as much as through the available archival record, indicated no support for the prevalent distinction between 'primitive' and 'civilized' peoples. Lowie wielded these particular terms in book-titles, such as *Primitive Society* (Lowie 1947 [1920]) and *Are We Civilized?* (Lowie 1948). He took the issues seriously and he found no signs of progress: "Neither morphologically nor dynamically can social life be said to have progressed from a stage of savagery to a stage of enlightenment" (1947, p. 440).

Lowie was especially critical of Morgan's *Ancient Society.* One part of his critique was that the notion of a shift in social logics from kinship to territory had no basis. Lowie (1927, 1947) showed that there was in many cases no coercive apparatus, but that in no case was there the absolute difference that evolutionary theories assumed. Many societies were small and generally organized along kinship lines, but the trend is also deceptive. A closer scrutiny revealed that people were simultaneously organized along territorial lines (a village, and the like), and that associations were also common. The associations were independent of village and kin-group, and focused on a range of things—craft specialization, medicine, ritual, warfare, and so on. The point about the presence of territoriality was scientific, and it was simultaneously political: Lowie wanted to give empirical justification to the defense of Indian (Native American, First Nations) land rights, against the then-current trend of pervasive dispossession (Feit 1991).

The common notion of primitive society is an oversimplification that denies the commonality with more 'modern' social forms. People in even the simplest and smallest social units identified and were organized along alternative lines of kinship, territory, and associations. In even the most egalitarian societies, Lowie found patterns of coercive authority such as the 'buffalo police' that monitored the hunt and would punish and even kill those found violating the conventions of the hunting season. Leaders who often had only nominal power and were chosen for their generosity and pacifism might wield the death sentence. That is, they expressed attributes that are associated with sovereignty.

Between the cases manifesting sovereignty, policing and the monopoly on violence, territoriality, associations, and kin-groups, Lowie found no essential difference that justified the idea that 'civilized' people were superior, more advanced, or profoundly different from 'primitive' populations. He noted that one might define statehood in such a way that it applied primarily to "the United States or to Imperial Germany [but that] such procedure, however etymologically or ethically justifiable [would defeat] the purposes of scientific classification" (1927, p. 1). Elements associated with state-ness could be found in the unlikeliest societies, even if in everyday life many of them did not have active state-institutions.

In both evolutionist and ethnographic studies, scholars have commonly generalized for the social or political organization of individual peoples (tribes, nations, and the like). On this front, ethnology suggests otherwise. One example is Fred Gearing's (1958) study of the Cherokee. Different activities (farming, ritual, warfare, etc.) each structured social life along separate lines, grouped people in unique ways, and varied between ranking and egalitarianism. The notion that a society has a structure—common in studies of the state as much as in studies of tribal groups—does not hold; it erases the complexity, diversity, and fluctuations that are common in most or all social entities.

The work of the ethnologists challenges the findings and assumptions of evolutionism and of the ethnographic paradigm. For the most part, these challenges have not been noted in histories of the discipline. In his preface to *African Political Systems* (Fortes and Evans-Pritchard 1940), A. R. Radcliffe-Brown (1940, p. xiv) argued that there was no basis for the distinction between political types (states versus nonstate societies), or for the assumption that some societies were organized by kinship and others by territory. Those were the intellectual foundations of this trendsetting collection of case studies, and as far as I can tell this internal challenge was not noted or taken seriously.

Kuhn's (1970) study of how science works would suggest that the example was most likely brushed off as an anomaly that had no bearing on the enterprise. Intellectual history is an important part of the practice of science, and in accounts of Radcliffe-Brown he is conveyed as a champion of 'functionalism'[3] and there is no notice of his profound challenge to that academic enterprise (Stocking 1984; Kuper 1973). This kind of simplification, to associate a scholar with a distinct and singular train of thought, is common but quite misleading. It is analogous to the idea that 'the state' is a political type, or that a 'tribal people' or 'peasants' have predictable and stable social characteristics.

David Graeber and David Wengrow (2021) call attention to a surprising and rich human legacy of social complexity, in an innovative comparative study of social life and political organization. Their study has a global reach, and echoes some of the ethnological edge. It draws on considerable familiarity with archeological and ethnological materials—some of their examples go back ten-twenty thousand years. Nothing in their examination affirms the expectation of a directional move in the human past from egalitarian simplicity to stratified complexity, or that the invention of agriculture led to cities and the state in any direct way. The archive of case studies on human social dynamics suggests otherwise, but for the longest time scholars had not been looking. Complexity and diversity were never absent, and various social entities manifest changes in organization (by season, activity, or over several years) that would seem to pertain to different peoples or different stages of social evolution. This is indeed among their lessons; our ideas about social evolution and its stages are a matter of stories that we have clung to for one reason or another, they do not capture what really has taken place.

One of many intrigues in the study is the insistence that the state has no origin (2021, pp. 359-440). The two authors discuss cases of cities that lasted for decades and even centuries but which appear to have been without administrative machinery of any kind. There are also cases of sovereignty where there is no sign of a state (2021, p. 396). And they show that the ethnological and archaeological record has a wealth of examples of long-distance interaction zones (trade and many other elements): the notion of pre-modern societies as small-scale, simple, and local has no basis in fact.

> Where we once assumed 'civilization' and 'state' to be conjoined entities that came down to us as a historical package … what history now demonstrates is that these terms actually refer to complex amalgams of elements which have entirely different origins and which are currently in the process of drifting apart. Seen in this way, to rethink the basic premises of social evolution is to rethink the very idea of politics itself (2021, p. 431).

Aristotle's (1996) study of the state, *Politics*, suggests one perspective. It was based on the collection of 158 case studies ('constitutions') of political units around the Mediterranean region. That is, it was quite empirical in its orientation and execution. It was comparative, regional, and historical, as it traced how things played out over time rather than suggest that each case had a singular and stable structure. On this level, Aristotle's focus is compatible with the grand scope of Graeber and Wengrow's (2021) study, and with their focus on dynamics and variability. It is also compatible with the ethnologists' comparative emphasis on diversity, complexity, patterns, contrasts, and changes over time.

Aristotle does not assume that states are categorically the tool for one segment of the population to oppress others, but he notes the cases when this happens and traces how it evolved. He finds a general divergence among tyrannies, democracies, and aristocracies. They are all examples of states and yet they are incompatible. Meanwhile, no political structure is stable, so a democracy can over time become a tyranny, and so on.

States are any political community where different settlements have formed a network, generally involving a city (*polis*) and villages. Different environments are conducive to different forms of economy, politics, and the like. The reason for states is human sociality; people are a political animal. Creatures that stand below and above humanity—a beast or a god—don't need political negotiation and economic exchanges, so they can easily survive without a state. States are, however, a human need. If states are rooted in justice then they are a good thing, but states where justice is absent do not bring its people any benefits and are instead harmful. This can happen and has happened, and it is important to understand the process and how to guard against it.

Aristotle's study is marked by measured (as opposed to naïve) optimism. He is convinced of the human need for sociality, security, justice, and a negotiated exchange of benefits, because he knows the harm that comes from war, neglect, and various injustice. Meanwhile, he suggests that no organization is guaranteed to work for everyone's benefit. However, it is urgent and practical to study and understand what works and how, and what can prevent things from turning bad.

All humans need sociality, justice, benefits, and exchange. This may seem to contradict the common assertion that Aristotle's work justified slavery. The text notes that many saw the practice as natural and just: "Others affirm that the rule of a master over slaves is contrary to nature, and that the distinction between slave and freeman exists by convention only, and not by nature; and being an interference with nature is therefore unjust" (1996, p. 15, A1235b).

Unlike many generalizations about the state and politics, Aristotle's *Politics* is rooted in a keen sense of common human-ness (sociality and the requirements for human wellbeing). The study generalizes but refuses to oversimplify—it insists on tracing things over time, and it insists that each case needs to be understood in its particulars while the aim is for knowledge that is both general and practical. Aristotle insists that diversity is essential for the viability of states. If people, and their needs and resources, are too much alike then the results are stifling and people's reasons for entering into a political union will evaporate (1996, p. 32, A1261b; Weissleder 1978, pp. 201-2).

The topic of human nature in relation to social or political arrangements tends to evoke the ideas of Hobbes and Rousseau. The former suggests that states and political repression were the inevitable response to human baseness. The latter insists that humans started off in pleasant innocence, and that only the subsequent advent of agriculture and cities brought about inequalities and oppression. I don't see a reason to argue with these understandings. Instead, I suggest that the ideas of Aristotle and the ethnologists (Westermarck, Lowie, etc.), as well as the recent case by Graeber and Wengrow, offer plenty of non-reductionist and non-fatalist angles on human nature in its surprising and non-linear diversity and complexity. Politics can be a curious, normal, beneficial, and creative process, rather than being the ostensible curse that inevitably has brought repression, manipulation, conflict, and inequality.

HOSTILE STATES, BENIGN STATES, AND THE MAGIC OF ETHNOGRAPHY

> The state was tyrannical, but episodically so. Physical flight, the bedrock of popular freedom, was the principal check on state power. [Subjects] who were sorely tried by conscription, forced labor, and taxes would typically move away to the hills or to a neighboring kingdom rather than revolt (Scott 2009, p. 33).

Karl Wittfogel's (1957) *Oriental Despotism* was in many ways an extension of the case that Karl Marx had made for an Asiatic Mode of Production, that state control and oppression in Asia rested on the control of irrigation; the essential component of the economy. Wittfogel suggested that any positive social change was dependent on removing the material bases for despotic rule. This required making industry and commerce independent of the government and its bureaucracy. The question can be fielded empirically whether states, inequality, and oppression are an Asian matter of the control over the means of production such as irrigation. Stephen Lansing's (1991) study of irrigation in Bali, Indonesia, offers one answer. There, water temples coordinated the distribution of water to irrigation networks in a way that emphasized the equitable distribution of water, combined with pest control. The officiants at the water temples are ritual specialists who rely on complex calendrics and engineering, both of which have a long history.

No state authorities were involved, and occasional attempts by outsiders to take control of the process were a serious failure. The state existed, in a king and his court and his attempt to impose taxation and a control over ritual, but it had no bearing on the process and certainly has no control over it. The Balinese case shows a configuration of farming, engineering, ritual, economy, and politics that challenges any materialist reductionism about the logic of society and power.

Anthropologist Clifford Geertz (1980) studied the nineteenth-century Balinese state from archival sources and argued that it had not been about oppression or power but instead about pomp and ceremony. To some extent his case belongs with other western studies of the ancient and mystic Orient where politics is a matter of cosmic centers (cf. Heine-Geldern 1956; Lopez 1998). That is not an unfounded notion. But Lansing's study shows very clearly that societies may not add up in the way we tend to assume, as unified and well-integrated and where the king is at the center and in charge. Balinese states were caught up in various rivalries and had occasional wars among themselves. But they (as the king and court and military) were in many ways also quite trivial to daily life and to the running of complex irrigation schemes.

To Geertz, the ancient state in Bali was devoted to elaborate spectacle. This reality was later undone with the 'iron cage of modernity' (a notion borrowed from Max Weber)—first with Dutch colonial rule and then the Indonesian nation state. Caro Baroja's (1963) analysis is useful for this cursory look at western studies of Asian states: Where Wittfogel (1957) finds a tradition of despotism, Geertz (1980) and Heine-Geldern (1956) find cosmology and rituals that unite societies and which emanate from the king and court.

Modernity undoes tradition in these alternative models, but tradition in one perspective implies despotic oppression and the hostile state, and in the other perspective tradition refers to a culturally meaningful order and the benign state. Lansing offers a third angle on tradition, one of an active, equitable, and sustainable management of the environment, and in his scheme the state is of no apparent moral or political significance. In Lansing's study, there is no conflict between tradition and modernity; the 'ancient' mode of managing the environment is continually up-to-date.

Herold J. Wiens (1954) charted the history of southern China through a millennia-long tension between the Han Chinese and the various ethnic others such as highland tribal peoples. This history was one of hostile interaction by the expansionist Han, and a chronicle of the suffering of the Yao and Miao and many others. All the various non-Han peoples had been subjugated and currently faced extinction under this Han pressure (1954, p. xi). More recently, James C. Scott (2009) has offered an analogous historical scenario involving two-millennia-long tension between Southeast Asia's states and the ethnically-other hill peoples whom previous anthropology had classified as tribal groups.

What sets history in motion, in Scott's study, is the 'padi-state',[4] the lowland Southeast Asian state that was enabled by rice-farming. Prior to the spread of agriculture, people had lived in mobile, egalitarian, and small-scale communities of foragers. State authorities proceeded to subjugate people and tax them, and this regime of oppression expanded with time. But refuseniks escaped into the hills and fashioned small domains of egalitarianism and freedom, expressing and recreating 'state-refusal' through particular social, horticultural, and religious dynamics. The highlanders' innumerable ethnicities were not expressions of traditional tribal identities, but of self-fashioning that changed on a dime to resist the homogenizing dynamics of the state. Freedom-seeking egalitarians held out in remote nooks and crannies until the state had the modern means—by about 1950—of infrastructure, surveillance, and other technologies to reach completely to its outer borders. Since then, history in the Asian hinterland has been one of subjugation and homogenization.

The study was very well received and appeared to capture a previously-unknown or under-appreciated slice of world history in an out-of-the-way place. The study resonates with the Wiens' analysis, as well as with Franz Oppenheimer's (1914) argument for the state as a mechanism of one group's control, suppression, and exploitation of other groups. For Oppenheimer, class was the active social element in politics; states were a means for one class to oppress another or others. Lowie (1927, pp. 20-42) reframed this in terms of castes and ethnic groups and found much support for the notion in the comparative record. Scott's case for Southeast Asian states sits well with the notion of Asian despotism.

This discursive affinity among the studies by Oppenheimer, Wittfogel, and Wiens is interesting and significant. My skepticism and disagreement, however, come down to historiography, a concern with the reality described in the sources (Jonsson 2012, 2014). In my understanding, both the historical record and the ethnographic record have mis-represented social life and interethnic relations over the last five thousand years or longer. My critique rests on familiarity, built over a 30-year period, with the sources and how they relate to social life at different times and in different places, within this sizeable region of mainland Southeast Asia and adjacent southern China.

The historical record, rooted in western scholarship that started in the colonial era, takes ethnic states and ethnic/racial inequalities for granted. To the extent that the historical record builds on chronicles and other indigenous material, there is a different problem. It can be situated in terms of Gearing's (1958) notion of structural poses and Lowie's (1927, 1947) understanding of primal identities resting on any one of three alternative principles. That is, the idea of a singular indigenous identity is an oversimplification that denies any internal social diversity, debate, or complexity.

The basic ideas about the padi-state and its project to subjugate people by making them sedentary, and the opposite dynamics of people nurturing freedom and egalitarianism in the hills, out of the state's reach, are derived from theory. Scott's (2009) case draws from available scholarship from anthropologists and historians, but that does not guarantee its validity (Jonsson 2010). Historians and political scientists of Southeast Asia generally ignored the hinterlands as a realm of no interest, while ethnographers sought out ethnically unique peoples in the same hinterland and generally sought to accentuate markers of ethnic difference. Scholarly engagements with national majorities and minorities in the region, since the colonial era, are suspect.

The case for a long history of state-avoidance among the ethnically Other highland peoples of mainland Southeast Asia (Burma, Thailand, Laos, Vietnam, and Cambodia) over 2,000 years is primarily built on ethnographic materials from Thailand, from research conducted after 1960. Because of wars and other political emergencies, research in neighboring countries was largely impossible in this period. The research in Thailand assumed that there were six tribes (Akha, Karen, Meo [Hmong], Lahu, Lisu, and Yao [Mien]), and that each of them was socially and culturally unique. That is, the research was designed to find ethnic realities that, further, were imagined as endangered by the dynamics of national integration (because one was traditional and the other modern, and as modernity is inherently destructive of its opposite).

Not only did the ethnographers take ethnic incompatibilities as axiomatic and seek out ethnically 'representative' villages that showed little exposure to national realities. They also assumed that the situations they encountered (and selected for) were representative of traditional ethnic realities. Nothing about the situation was typical. As part of nation-building efforts, starting in about 1915, provincial governors in Thailand's north started to discriminate against ethnically non-Thai hill peoples, declaring various aspects of their livelihood illegal and then imposing arrests and fines. This went on for at least 60 years, and already by 1935 had produced interethnic mistrust that is very atypical for the region. When ethnographers studied the hill tribes, from 1960 to 1985, they found peoples who had little engagement with Thai society and who were treated generally with distrust and disdain by agents of national integration. This was a unique situation of political breakdown. The ethnographers assumed that the patterns they found were expressions of traditional tribal ethnicity (kin-based and egalitarian peoples) and adaptations to the highland environment through the cultivation of rice, maize, and poppy.

There is no average highland situation, nor an average in interethnic relations. The pattern of lowland state hostility to the ethnically other hills, and the notion that 'the state' was geared toward subjugation—where migratory hill farming is instead an expression of freedom—are theory-driven. Historically and prehistorically, this region of Southeast Asia and adjacent southern China was ethnically diverse. Basic social units were made through multi-ethnic networks that combined different environments. There has not been any predictable or stable inequality in such networks. Forest products procured by ethnically varied hill peoples were high-priced items of valuable international trade, and relations across ethnic lines and different environments were actively maintained. Traders and rulers maintained various networks across ethnic lines and there is no indication that 'subjugation' was involved (Cushman and Jonsson 2020).

Most of the interethnic networks have left no archival trace. In contrast, there are various ritual and social statements that highlight exclusive identities. For example, coronation rituals in Jengtung, Burma, involved seating Lawa highlanders on the throne, serving them a meal, then driving the Lawa off the throne and out of the city before they were finished, and finally installing a new lowland Tai (Shan) king. This ritual enactment of interethnic hostilities happened with some regularity, but nothing about Tai-Lawa relations suggests that they were marked by unfamiliarity or hostility. This can be compared to New Year rituals that are common among various ethnic groups in the region, where a village is ritually cleansed of non-local elements (spirits and ethnically-other people). For three days every year, the village has no 'foreign' elements, but for the remaining 362 days such issues are of no concern.

In Laos and Vietnam, multiethnic networks were common and important, including in the wars of the twentieth century. But these were never all-inclusive networks. Instead, typically rival factions in the city had their separate allies in the hinterland. It was not generally the case that 'the state' was unified and singular, nor that there was a uniform pattern of relations across ethnic lines or environments. Public statements of ethnic divides and incompatibilities are easily found in the archive. However, they are very selective representations.

Only in exceptional cases of political breakdown have patterns of discrimination and abuse fallen clearly along ethnic lines. This happened in Thailand during 1915-1985. In Burma, the national military declared ethnic non-Burmans a threat to national unity by 1962, and this triggered an ethnicized civil war that still has not been uprooted. These two cases of highly specific interethnic hostilities can be read as typical of how 'the state' relates to the ethnically diverse hills. That was the reading of the ethnographers, which James Scott relied on. The alternative, following Aristotle and the ethnologists, is to examine the hostilities comparatively and historically to see how they add up and what they represent.

Various examples of interactions suggest that people sought to place themselves in networks involving lowland rulers. This was not about subjugation but instead about access to protection and trade, for which there was often competition. Lowland rulers generally sought to cement such deals by giving titles to highland leaders, and there were commonly ritual exchanges and various linguistic, cultural, and social mixing. About the only researcher to describe such interactions (which lasted for centuries if not millennia) was the Thai scholar Kraisri Nimmanhaeminda (1965, 1967). All other ethnographic accounts of northern Thailand suggest that hill tribes were new arrivals, alien, disconnected from lowland society, and that they were threatened by the dynamics of national integration. These other studies described individual ethnic groups that were egalitarian, kinship-based, migratory, and adapted to the forest environment.

Perhaps the clearest case of how western ethnographers of Thailand's hill tribes made reality fit their expectations involves the Mien hill people in Nan and Chiangrai, centered in the village of Phulangka. This population had actively sought and maintained relations with lowland rulers for centuries, in Thailand, Laos, Vietnam, and Yunnan and Guangdong of southern China. In Thailand they were under a leader who had an offical title and exclusive trade connections. He had sought out the king of Nan for a relationship, which would allow his followers security, farming, and trade. The villagers had citizenship and land rights, and by maintaining this relationship to 'the state' through annual tax payment at the District Office the people were never vulnerable to extortion, eviction, or any such abuse. The leader was in rivalry with another Mien leader in Laos, and between the two of them they had a contest over which could first assemble a household of over a hundred people (Jonsson 2005, 2014).

Three generations later, one ethnographer studied this group of Mien. He made no mention of the long history of interethnic entanglements and instead declared that Mien society was characterized by competition over labor and not land, as seen by one household's success in converting wealth into new members. The wealth was in fact a matter of a unique link to an opium trade monopoly (that had not been available to other highland settlements) and the large household expressed a quest for glory that was highly specific to a cluster of rival Mien leaders in Laos and Thailand during 1880-1940. None of this had to do with Mien ethnicity or society. All of it concerned specific individuals in place-specific interethnic relations of politics and trade. The biases of 1960s international ethnography rewarded 'ethnic' cases of culture, social structure, and adaptations to the environment. This anthropology erased a striking history of political abuse across ethnic lines that happened in Thailand during 1915-1985. The quest for ethnically specific realities also made unthinkable a much longer and different history of common and extensive multi-ethnic networks (Le et al. 2016).

The 1960s ethnography in northern Thailand was done by westerners who knew little about Thai language, society, or history. Thailand, not having been colonized, did not have an archive that was readily accessible to western PhD students.[5] What did they know or expect? According to one ethnographer's recollections (Walker 1995, p. 327), they all carried a copy of Edmund Leach's (1954) *Political Systems of Highland Burma*. Leach had made the case that societies were not stable or distinct. Instead, there was considerable diversity and fluctuation across ethnic lines between Shan and Kachin. Shan were lowland and Buddhist state populations while the Kachin were kin-based animist hill farmers who varied between egalitarian and ranked social orders, and sometimes 'becoming Shan' and stratified. Leach (1954, p. 107) assumed a basic distinction between social orders, some were egalitarian and based on kinship and others were stratified and anchored to territoriality. He credited Lewis Henry Morgan with this clarification.

Leach's research took place 50 years after the establishment of British colonial rule in the area, and Leach noted that the British had actively engaged in ethnic separatism to divide the Shan and Kachin on the grounds that one was a lowland people and the other a highland people. Much of what Leach observed had been shaped by colonial rule, social engineering, and then by war. But the reader encounters instead the (inter-) ethnic social dynamics of an *as-if* scenario where some key elements of the actual situation are nowhere in sight. This is the ethnographer's magic.

James Scott's (2009) well-received and compelling case about two millennia of political tension between the state (bent on subjugation and stratification) and the highland ethnic others (bent on freedom and egalitarianism) expresses a highly particular situation of political breakdown as if it was in the character of 'the state' and of 'the highlanders.' The credibility of the case, and of the ethnography that it builds on, suggests an inability to imagine positive political relations across difference—by the ethnographers in the 1970s and a political scientist in the 2000s. The general credibility of such studies is certainly interesting. One can try to counter this trend by pointing the other way, parading the 'theater state' to challenge the image of the despotic state and its hostile rule. Or one may instead follow scholars such as Lansing and examine things from the ground up, asking—between particular cases and general issues—what relationships matter and how, and also to what extent 'the state' has significant bearing on social life.

POLITICALLY MODERN HUMANS

> We can see more clearly now what is going on when, for example, a study that is rigorous in every other respect begins from the unexamined assumption that there was some 'original' form of human society … that 'civilization' and 'complexity' always come at the price of human freedoms; that participatory democracy is natural in small groups but cannot possibly scale up to anything like a city or a nation state. We know, now, that we are in the presence of myths (Graeber and Wengrow 2021, pp. 525-26).

The state is not a thing. Further, it may not cohere in organizational terms: "It is [the actual disunity of political power] above all that the idea of the state conceals. The state is the unified symbol of an actual disunity (Abrams 1988, p. 79). One example of this appears in a political contestation in northern Thailand in 1999 that has the surface appearance of a conflict between the hill tribes and the state (Jonsson 2005, pp. 127-47). Ethnically Mien villagers were frustrated by the director of a wildlife sanctuary in their vicinity, and one morning about 500 people marched on the Sanctuary's headquarters, told the staff to gather their valuables and to get lost. Then they burned down two buildings, went back home, and sent announcements to the authorities about what they had just done.

The authorities initially sent in heavily armed soldiers to arrest the perpetrators. The locals replied that there were no instigators, that all 995 local men, women, and children were behind this. Further, the action was justified. The locals were rightful residents, they had been unjustly bothered and discriminated against for 18 years by the sanctuary's director, and their demands for improvement were in line with the national emphasis on environmental protection and economic progress. The authorities and the villagers met a number of times in the month that followed. There was no immediate resolution, but no villager was arrested or fined. The Sanctuary's director was replaced.

But an examination of the process does not reveal any coherence to the state. The Forestry Department is invested in the expansion of sanctuaries and wants to prevent road maintenance. The Highway Department is invested in the expansion and upkeep of roads. The Education Department wants to expand schools in the area. A National Masterplan on Environmental Protection called for the eviction of all the nearby settlements. Provincial authorities had some say, but they did not have authority over the military or over the rival Departments of the national government. The military and the national and provincial police, meanwhile, are long-time rivals for influence.

The ethnically-Other local people included the headmaster of the central school in the subdistrict, and the subdistrict headman (a great-grandson of the titled leader who had led the Mien settlement in the region). The villages had been officially registered many decades ago, and the road was according to law. That is, there is no clear distinction between the Thai state (in all its complexity, diversity, and rivalries) and the ethnically-Other hills. A lot of scholarship has ignored all evidence of such extended entanglements and instead been confined to examples showing that these are lines of tension, conflict, and absolute difference. James Scott's (2009) recent suggestion that the 'real' highlanders had identified and organized in opposition to the state (and then expired with the arrival of modernity in 1950) perpetuates this imagery. His model ignores the fact that; a) these need not be oppositional or incompatible identities, and b) negotiating for security, benefits, and trade relations is a basic matter of human wellbeing. The idea that standing outside political or economic negotiation was a matter of precious freedom has no empirical support.

Political negotiation is a basic human need. The idea that an ethnic group, or a social entity like Asian highlanders, or the state, add up to coherent characteristics—that any such entity is a social type of particular moral impact (the despotic state, the theater state, the innocent and egalitarian foragers or hill farmers, etc.)—invites essentialism. That turns something three-dimensional, diverse and diachronic into a two-dimensional image that is singular and freeze-frame. 'The horse' and 'the state' produce descriptions that erase and misconstrue, respectively, the natural world and the social world. Science can do better than that.

In the above case, the villagers have an ongoing relationship with the state and national society, several of the locals represent the state, and there is no intrinsic conflict of interest between the two sides. The case suggests that the state's sovereignty could not be wielded (justifiably) against the protesting villagers. At least in this one case, sovereignty was not (per Agamben 1998) a matter that distinguished the authorities (the state) from the citizens (the people), but instead something that connected them.[6] The bulk of northern Thailand's hill peoples, however, was constantly at risk of eviction because they had been denied legal recognition decades earlier. For people in these other settlements, the sovereignty of 'the state' was a constant threat.

The ability to establish roles and relationships is a basic feature of human cognition and sociality. Sovereignty, the ability to run one's own affairs and to decide on law and on life and death, is continually being produced through such dynamics. Johan Huizinga (1950) offered an angle on this phenomenon with his suggestion that culture was a subset of play. He defined play as coming with its own boundaries of time and space according to a given set of rules. Any play establishes a particular field of interaction and holds the players to its rules while it lasts, and in many cases leads to the formation of a community that insists on a clear distinction between insiders and outsiders (1950, pp. 4-13). Huizinga delimits the play-world as a contingent social contract. It is an agreed-upon field of interaction that frames the identities, relations, and focus of the participants in terms of some shared purpose for as long as the play lasts.[7]

The work of Michael Tomasello (2008, 2014, 2016) has offered a range of new insights regarding human evolution and human uniqueness. Tomasello's research combines experiments, comparisons, and reflexivity about cognition, communication, collaboration and morality. It offers considerable evidence for dynamics that Huizinga could only suggest. Human cognition and sociality are rooted in collaboration and intersubjectivity. The key elements are pre-lingual (pointing and pantomime) and concern the ability to establish fields of interaction; the prerequisite for collaboration and joint intentionality. Infants are predisposed to get the hang of this.[8] Experiments show that kids are naturally cooperative and keen to share information with others. Human collaboration depends on these cognitive and social factors, and the ability to share information, coordinate perspectives, and to trade perspectives stems from these elements.

The importance of sharing information for mutual benefit is unique. So is the importance of sharing food in human societies, as the means to make and maintain relations and to mark identity and belonging. The sharing of both items, information and food, is very distinctive. Comparisons with apes indicate that this element of sharing could only have come about in conditions of security and trust. Further, the perpetuation of these features is conducive to (re-) creating conditions of security and trust.[9]

Humans engage with one another based on implicit agreements and contracts that assume reciprocity. Of course, such deals may fail, but they are still foundational. People hold one another accountable in these terms. Thus, the elements of social contracts are based on unique features of human cognition and sociality that go back prior to the Neandertals. The ability to share and coordinate perspectives also implies the ability to trade perspectives and to see things from another's point of view. Trading roles and identities is particularly evident in play or sports, but it is a foundational human capacity. Empathy draws on this element. Tomasello calls attention to social institutions in terms of status functions: People agree that element X stands as currency; they agree that there will be a chief who monitors social rules; they agree that a marriage makes a couple who then have these rights and obligations to children, in-laws, and so on:

> Treating others as equally deserving as oneself in dividing resources fairly, or chastising oneself in the same way one would chastise others for violating a social norm, reflects a genuine morality emanating from the individual's perception of himself as equivalent to others in relevant respects, that is, from an impartial point of view (Tomasello 2016, p. 153).

The anthropological emphasis on each culture being its own world has distracted from these shared human features. The matter is not reducible to culture or to biology. Instead, it is bio-cultural and has to be actively worked on in each individual case. As Tomasello describes it; "the recognition of self-other equivalence was crucial in constituting … the sense of mutual respect and deservingness among (potential) partners" (2016, p. 80). These elements of human cognition and sociality—the ability to make social contracts that rest on the ability to coordinate and trade roles and perspectives—emerged most likely around 200-300 thousand years ago. With that, through enacting and negotiating elements that we associate with state-ness and sovereignty, humans had become politically modern.[10] The rest, as Graeber and Wengrow (2021) have laid out in considerable diversity and detail, is history; lively, non-linear, and full of surprises.

NOTES

1 English-language histories of anthropology have generally not concerned themselves with scholarship outside of the UK and the USA. Kuklick (2008) is the major exception, her book has an unusually broad scope.

2 The notion of 'imagined communities' is lifted from Benedict Anderson's (1991) study of nationalism.

3 Sometimes also called structural-functionalism.

4 'padi' refers to irrigated rice fields typical of lowland areas.

5 This contrasts sharply with the situation for French scholars in Indochina and Dutch scholars in Indonesia.

6 The initial response by the authorities rested on their claim to sovereignty but the villagers succeeded in denying this claim and insisting on their rights. Jessica Cattelino (2008) maintains that for the contemporary Seminoles of Florida, sovereignty is not a matter of autonomy but instead of interdependence, where they convert the benefits of corporations and a casino into social and cultural well-being within their communities.

7 There are direct parallels regarding 'common ground' in studies of human sociality (Enfield 2013; Enfield and Levinson 2006).

8 Anyone who has been around infants knows the expressions of pleasure when two minds connect and go somewhere interesting together, all without spoken language.

9 Pascal Boyer (2018) offers an evolutionary perspective on politics and society that is focused on dynamics of cognition and sociality. He shows that authoritarian regimes can hold onto power without much resistance if they establish and maintain conditions of pervasive mistrust among the public—no one can really tell who might be an informer.

10 Any classification of humanity has political implications (Marks 2007).

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Would Somaliland's Citizens Benefit from State Capacity Libertarianism?

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Abstract: Tyler Cowen's concept of "state capacity libertarianism" was not devised with Somaliland in mind. Somaliland falls short of his ideals on both state capacity and libertarianism. Yet, Somaliland has made progress in developing state capacity. Although it faces significant obstacles as an unrecognized *de facto* state in the Horn of Africa, it must further develop state capacity if it is ever going to improve the lives of its citizens and address pressing challenges like high rates of infant and maternal mortality, widespread abject poverty, and minimal public infrastructure. In doing so, however, Somaliland needs to leverage the libertarian sympathies of its people to expand personal and economic freedom. Somaliland will never approximate fully fledged state capacity libertarianism but improving state capacity while increasing freedom is essential for advancing human welfare. Its people would benefit from something approximating "state capacity libertarianism with Somali characteristics."

Keywords: Somaliland, de facto state, state capacity, libertarianism, state capacity libertarianism.

INTRODUCTION

A former British protectorate, the Republic of Somaliland reasserted its sovereignty and declared independence from Somalia in 1991. Somaliland's separate colonial status, its five days of previously recognized sovereign statehood in June 1960 before it united with the former Italian colony of Somalia and its commitment to respect colonial borders "makes Somaliland's search for recognition historically unique and self-justified in African political history" (African Union 2005, paragraph 8). After an initially turbulent period, Somaliland has remained largely peaceful since 1997, particularly in its central core around the triangle formed by Hargeisa, Berbera and Burco (Walls 2009). Somaliland has made considerable progress rebuilding its previously war-devastated economy (World Bank 2016). It has also had striking success, albeit with recurrent setbacks and persistent problems toward consolidating electoral democracy (Pegg and Walls 2018).

Yet, Somaliland remains entirely unrecognized. In this article, the term "state" is defined as a widely recognized sovereign state. As Griffiths (2021, p. 19) points out, "the defining feature of joining the sovereignty club is obtaining a full seat" in the UN General Assembly. There are 193 such entities in the world today. State is thus defined in juridical and not empirical terms. Thus, a state is not defined in Weberian terms as an entity possessing a "monopoly of the legitimate use of physical force within a given territory," nor is it defined in the classic international law formulation of Article 1 of the Montevideo Convention as an entity possessing a permanent population; a defined territory; a government; and the capacity to enter into relations with other states (Pegg 2019, p. 27). Dozens of sovereign states violate one or more of these criteria today and yet their sovereign status is not questioned.

Somaliland is not a sovereign state. More than thirty years after it declared its independence from Somalia, Somaliland remains a *de facto* state: an entity that controls territory, persists over time, provides governance, receives popular support, and yet remains unrecognized by other sovereign states (see Pegg 2019 for a more detailed definition). While there are competing definitions, perhaps the most concise definition of a *de facto* state comes from Raul Toomla (2016, p. 331) who argues that "de facto states are entities that fulfil the Montevideo criteria for statehood but lack international recognition." Somaliland has a larger population (about four million) than many sovereign states, a territory clearly defined by its former colonial borders, and a government that has ten staffed representative offices abroad and hosts consulates or representative offices from Djibouti, Ethiopia, Taiwan, Turkey and the United Arab Emirates as well as various offices from the European Union, several UN agencies and the United Kingdom in Hargeisa. Academically, Somaliland is universally accepted as a *de facto* state (e.g., Caspersen 2012; Klich 2021; Pegg 2019; Richards and Smith 2015; Toomla 2016).

Defining Somaliland as a *de facto* state thus entails rejecting the arguments of those who question whether Somaliland deserves to be considered a state (Leeson 2007, p. 700; Powell et al. 2008, p. 665). While Somaliland deviates from Western ideals of statehood in several respects and its functioning is minimal when compared to most sovereign states, Somaliland is a state with significant popular buy-in from its residents and enough capacity and legitimacy to affect their lives substantively. Scholars questioning Somaliland's statehood fall into the trap that Fiona McConnell (2009, p. 344) characterizes as having a "binary conceptualization of geopolitical entities as either nation-states or anomalies deviating from this model" which results in the anomalies' existence being "under-theorized and their achievements under-reported."

Instead, this article follows North, Wallis and Weingast (2009, p. 59) in rejecting the common Weberian definition of statehood as possessing a monopoly on the legitimate use of force and instead seeks to understand how the "process of controlling violence is central to how individuals and groups behave within a society and how a coalition emerges to structure the state and society." In their terms, Somaliland is a "natural state" where "peace is not inevitable" but rather "depends on the balance of interests brought into being by the rent-creation process" (North, Wallis and Weingast 2009, p. 60). They go on to note that "Dispersed military power… is central to the logic of the natural state. In this way, the threat of violence becomes part of the arrangement that controls the actual use of violence" (North, Wallis and Weingast 2009, p. 61). In contrast, what they term "open-access" orders "satisfy Weber's condition of having a monopoly on the legitimate use of violence" (North, Wallis and Weingast 2009, p. 61).

That such a state might legitimately be considered liberal seems problematic. The conception of Somaliland as potentially being a liberal state draws from the work of Chandran Kukathas (2003). The theory of the free society he advances (Kukathas 2003, p. 5) is "an account of the terms by which different ways *coexist* rather than an account of the terms by which they *cohere*." In such a free society, Kukathas (2003, pp. 7-8) argues that "there will be a multiplicity of authorities, each independent of the others, and sustained by the acquiescence of its subjects." Although Kukathas does not mention Somaliland, his conclusion that "The state that emerges out of this understanding is a liberal state of a particular kind…. It is a state made up of diverse parts, some of which might be made in the image of the whole—tolerant and liberal—while others are virtually its antithesis—sectarian and inward-looking" is an apt description of Somaliland today (Kukathas 2003, p. 266).

Following Nina Caspersen (2012, p. 23), I argue that "the absence of recognition does not render statehood impossible, but results in a different form of statehood." Somaliland is a *de facto* state and "statehood without recognition takes a specific form and these entities are not just like other states without the bonus of recognition" (Caspersen 2012, p. 25). Cases like Abkhazia, Northern Cyprus and Somaliland demonstrate that *de facto* statehood does not render democratic state-building impossible, but it does constrain the specific forms that these states may take. In the context of this article, *de facto* state capacity libertarianism probably looks different from widely recognized sovereign state capacity libertarianism.

Although there are several reasons to question the claim, Somaliland is an interesting case from which to investigate Tyler Cowen's (2020) notion of "state capacity libertarianism." Cowen's work on state capacity libertarianism arguably characterizes a viewpoint that has emerged among liberal economists or libertarians that balances a recognition of the importance of free markets with that of state capacity. It is not a formal set of policy prescriptions for countries to embrace. Yet, it does potentially offer us a way out of a false dichotomy between well-developed state capacity and statelessness. The latter has been advocated in the context of Somalia by Leeson (2007) and Powell, et al. (2008). The former has been criticized in the context of natural resource booms as being the equivalent of "telling poor countries with natural resources, 'Become Norway'" (Morrison 2013, p. 1122). State capacity libertarians try to balance each perspective but have typically not examined either poor countries or *de facto* states. This article explores how state capacity building along relatively libertarian lines might be plausible in Somaliland even though it will never become a paradigmatic example of state capacity libertarianism. Exploring what "state capacity libertarianism with Somali characteristics" might mean for its citizens is a worthwhile conceptual endeavor.

This article makes a three-part argument. First, state capacity is essential for development. Scholarly evidence suggests that strong but constrained state capacity is linked to a host of positive outcomes including economic growth (Johnson and Koyama 2017), improved respect for human rights (Cingranelli et al. 2014), a better ability to combat human trafficking (Blanton et al. 2020) and the avoidance of civil wars (Sobek 2010). In Besley and Persson's (2009, p. 1239) concise conclusion, "The historical experience of today's rich nations indicates that creation of state capacity to collect taxes and enforce contracts is a key aspect of development." Thus, this article rejects the argument that Somaliland and its citizens would be "better off stateless" (Leeson 2007). One can readily acknowledge various forms of progress made in both Somalia and Somaliland after the collapse of centralized tyrannical rule in Mogadishu (Leeson 2007; Powell et al. 2008). One can also acknowledge that Somaliland (but not Somalia) has benefitted in several ways from a distinct lack of international intervention and foreign aid in its formative years which allowed it to build a state reflective of its own society (Eubank 2012; Phillips 2020; Richards and Smith 2015). That is far different, however, than arguing that Somaliland would benefit more from some hypothetical stateless libertarian nirvana than from having a state that had developed the capacity "to successfully govern its society and implement policies and initiatives within its borders" (Blanton et al. 2020, p. 472).

Second, Somaliland has extremely low state capacity today and faces significant challenges in building additional state capacity. Somaliland needs to expand state capacity if it is ever to successfully address the various challenges it faces including widespread abject poverty, high levels of infant and maternal mortality and a severe lack of basic infrastructure. Perhaps the central counterargument to Somaliland having any claim to libertarian credentials is the widespread prevalence of female genital mutilation (FGM). Estimates suggest that 99% of Somaliland women aged 15-49 have undergone FGM (Ministry of Planning and National Development 2018, p. 73). The limited progress that has been made in stopping FGM or reducing the severity of the type of FGM practiced has been concentrated in Somaliland's urban centers and amongst its richest quintiles of population (Ministry of Planning and National Development 2018, pp. 73, 75). It is impossible to imagine noteworthy progress in reducing FGM in the absence of substantively increased state capacity to provide better education, better health care and enable a more prosperous society to develop.

Third, in arguing that Somaliland needs to invest in state capacity, we cannot neglect the fundamental importance of personal and economic freedom. In a trenchant analysis of Adam Smith's contributions to development economics, William Easterly (2021, p. 185) notes that "Variations on the noun 'choice' or verb 'choose' occur 48 times in the *Wealth of Nations*. Smith mentions 'consent' 24 times." In contrast to the widespread paternalistic and racist justifications for colonialism prevalent during his time, Easterly argues that Smith's fundamental insight was "that individuals everywhere are indeed fit to choose for themselves, and that true progress happens by consent." While Smith's work is premised upon the importance of individual choice and consent, Easterly (2021, p. 200) laments that "In the economic development world today, there is still today not sufficient awareness of the importance of individual choice and consent in development programs." Albeit far from complete, Somaliland has, as noted below, made progress toward respecting individual and economic liberty, notably in terms of its democracy institutionalizing the regular or constitutional turnover of its presidents (Pegg and Walls 2018). North, Wallis and Weingast (2009, p. 67) usefully remind us that "Sustainable democracy requires not only an open-access polity, but an open-access economy too."

State capacity libertarianism is worth considering because Somaliland cannot improve the lives of its citizens without significantly increased state capacity and increasing state capacity without simultaneously expanding liberty risks devolving into authoritarianism. The empirical evidence of the past thirty years demonstrates the futility of top-down, externally driven attempts to reconstruct a centralized state in Somalia. A more fruitful approach would recognize that "If Somalia is to emerge from its political crisis and aid strategies are to be effective, greater diplomatic creativity and international acceptance of alternative formulations of state governance may prove necessary" (Bradbury 2008, p. 245; see also Leonard and Samantar 2011, pp. 576-580; Menkhaus 2006/07, pp. 101-106). As Kukathas (2003, p. 266) explains more generally, "The liberalism that identifies this state is the liberalism of an archipelago of discrete and separate, though also sometimes overlapping and interacting communities, jurisdictions, and associations…. [The state] comes out of the sea, but is no Leviathan, being neither terrible, nor all powerful…."

The remainder of the article proceeds as follows. The next section highlights Cowen's (2020) concept of state capacity libertarianism. The two following sections break Cowen's concept down into its component pieces—state capacity and libertarianism—and investigate Somaliland's historical track record and its prospects in both areas. A concluding section argues that fully fledged state capacity libertarianism will not happen in Somaliland but that further progress on developing Somaliland's state capacity and building upon the libertarian tendencies of its people is plausible. In making the argument that Somalilanders have libertarian sympathies, I am not suggesting that they are all familiar with the works of Scottish enlightenment authors or core libertarian texts. Rather, I am highlighting three points. First, Somalis are inveterate traders and entrepreneurs. They have vibrant and widely held pro-capitalist and pro-free market sentiments. Second, Somaliland citizens have demonstrated strong demand and support for democracy, peacefully and enthusiastically voting in a constitutional referendum and seven direct elections (three presidential, two local council, one parliamentary and one combined parliamentary and local council) from 2001 to 2021. Their support for democracy does not mean they coherently support libertarian policies, but it does demonstrate their heartfelt opposition to tyrannical rule. Finally, Somaliland residents have considerable first-hand historical experience with minimal, informal or non-existent statehood. They are quite comfortable with extremely limited government. "State capacity libertarianism with Somali characteristics" is conceivable.

STATE CAPACITY LIBERTARIANISM

Cowen's notion of state capacity libertarianism is never precisely defined but stems from an appreciation of the importance that libertarians place on free market capitalism but tempers this with the recognition that relatively free and prosperous countries tend to have larger governments with high levels of state capacity (Johnson and Koyama 2017). It is also based on an acknowledgment that governments sometimes succeed in the task of governing and that state capacity is essential for solving certain problems.

Cowen (2007) credits libertarian ideas with helping to reduce inflation, bring marginal tax rates down significantly and improve the overall quality of government. He notes, however, that libertarian ideas have "also brought much bigger government" (Cowen 2007). Cowen argues that even libertarians who are inherently skeptical of government should acknowledge that "sometimes governments do a pretty good job" (Cowen 2006). As evidence, he offers that "The Finnish government has supported superb architecture. The Swedes have made a good go at a welfare state. The Interstate Highway System in the U.S. was a high-return investment" (Cowen 2006). In more recent writing, Cowen (2020) implores that "Public health improvements are another major success story of our time, and those have relied heavily on state capacity—let's just admit it." State capacity libertarianism starts from the premise that "Markets and capitalism are very powerful, give them their due." Yet, it goes on to argue that "Strong states remain necessary to maintain and extend capitalism and markets."

Cowen (2020) also argues in an American context that while many problems can be attributed to "failures of excess regulation," other problems are "failures of state capacity." He offers improving K-12 education, upgrading physical infrastructure and addressing climate change as problems that "require state capacity—albeit to boost markets—in a way that classical libertarianism is poorly suited to deal with" (Cowen 2020). His overall conclusion is that "It is possible to agree with the positive claims of libertarians about the virtues of markets but still think that improving the quality of government is the central task before us" (Cowen 2006).

Cowen's notion of state capacity libertarianism was not developed with Somaliland in mind. Indeed, his only overly broad reference to sub-Saharan Africa is that "The major problem areas of our time have been Africa and South Asia. They are both lacking in markets and… in state capacity" (Cowen 2020). Geloso and Salter (2020, p. 373) similarly argue that "Rich countries with high state capacity would be represented by OECD countries, while sub-Saharan Africa emerges as the archetype of low state capacity and relative poverty."

While one might object to lumping Botswana in as equivalent to South Sudan, my larger point is that this article is extrapolating Cowen's concept of state capacity libertarianism to a context quite different from the one in which he developed it. Beyond that, as shown below, Somaliland has fundamental problems with both state capacity and with libertarianism. Theoretically pure state capacity libertarianism will not happen in Somaliland. Yet, further progress on developing both Somaliland's existing state capacity and leveraging the libertarian inclinations of its population is possible.

SOMALILAND AND STATE CAPACITY

The literature on state capacity is vast and beyond the scope of this article to summarize. In this article, a two-part cursory definition of state capacity as the ability to raise tax revenues and the related ability to invest in national defense is employed.

In a more comprehensive review of the state capacity literature, Bardhan (2016, p. 862) identifies some commonality "on the role of the state. The state has to be strong enough to provide a solid minimum framework of law and order, enforcement of contracts, and other basic institutions underpinning the market, while at the same time the state executive has to be constrained not to interfere with security of property rights." Arguably, it was the utter lack of constraints or accountability mechanisms that made Siad Barre's Somalia so horrible for its citizens. This explains how the removal of the centralized, tyrannical Somali state could lead to noticeable improvements on several measures of human welfare even under conditions of "statelessness" (Leeson 2007; Powell et al. 2008).

In contemporary Somaliland, the problem is much more on the strong side of the state capacity ledger than on the constrained side of it. The World Bank (2016), for example, highlights the small size of Somaliland's government and its limited revenue raising capacity. Sarah Phillips notes how "Somaliland's government authorities perform some typical state functions" but outsource many others to non-state actors like clan elders or religious leaders (Phillips 2020, p. 126). Powell et al. (2008, p. 665) stress Somaliland's miniscule provision of public goods. Leeson (2007, p. 700) emphasizes that Somaliland's "legal system functions primarily on the basis of private, customary law and mechanisms of enforcement." Menkhaus (2014, p. 171) characterizes Somaliland as a "functional failed state" which he describes as "a political setting in which state institutions remain weak, corrupt, and even paralyzed, but where society enjoys basic peace, security, and some form of law…." Among the more generous interpretations, the World Bank (2016, p. 79) argues that "'clusters of competence' exist in a variety of offices and ministries, but generally the capacity of the civil service to implement and enforce policies is low."

Yet, this article argues that Somaliland has made tangible progress on building state capacity and that it is reasonable to expect continued further state capacity building. Two different conceptualizations of state capacity illustrate Somaliland's achievements to date and highlight its potential for future progress.

First, the ability of a state to raise tax revenues is often seen as one of the best single rough and ready measures of state capacity. Obviously, revenue extraction does not comprehensively portray all aspects of state capacity building (Johnson and Koyama 2017, p. 3). Yet, Thies (2004, p. 54) observes that "Although state building may have many meanings, at its most basic it involves state penetration of society for the purpose of resource extraction. Taxation, or extraction, is thus a central task for the state to master before pursuing any other goals." Improving fiscal capacity in poor countries is seen as essential because doing so "enables countries to undertake necessary investments into infrastructure and national public goods, thereby increasing economic efficiency, while also strengthening the social contract with their tax-paying citizens, thus mitigating corruption and increasing political stability" (Reinsberg et al. 2020, p. 279).

A second relevant way to measure state capacity comes from Geloso and Salter (2020) who define state capacity as investments in national defense. They argue that "State capacity and coercive capacity are inherently linked. While it may be possible to invest in coercive capacity without state capacity, investing in state capacity necessarily implies investments in coercive capacity" (Geloso and Salter 2020, p. 374). Since many public goods relate directly or indirectly to national defense, "we can equate (to some imperfect extent) investments in state capacity as investments in national defense" (Geloso and Salter 2020, p. 373). Their argument is developed in the context of relatively wealthy states that have valuable things which make them targets for predation. In their succinct explanation, "Richer polities invite external predation, which incentive rulers to marshal coercive capacity to resist such predation" (Geloso and Salter 2020, p. 376).

Given its abject poverty, Somaliland might not seem like an ideal fit for this argument. Yet, the post-1945 international system has featured a strong normative consensus against secession and in favor of preserving existing sovereign states no matter how dysfunctional they might be (Jackson 1990). This has enabled states like Afghanistan, Chad, Lebanon and Somalia to survive when, in previous eras, they would have been conquered, colonized or partitioned. As a *de facto* state, Somaliland does not benefit from that international normative consensus and must survive outside it. *De facto* states face existential security threats, and the international community has shown itself to be quite comfortable with their forcible eradication as seen recently in Chechnya, Serbian Krajina, Tamil Eelam and, in large part, Nagorno-Karabakh. Indeed, Caspersen (2012, p. 126) finds that forcible eradication is "statistically the most likely outcome for unrecognized states." *De facto* states like Somaliland thus find themselves in the situation described by Geloso and Salter (2020, p. 376) as "the only polities likely to survive are those that can wield sufficient martial force to retain their independence from other polities, and perhaps even their existence." Replacing "richer polities" in Geloso and Salter's formulation with *de facto* states works equally as well: "*De facto* states which lack a guaranteed juridical existence in international society invite external predation, which incentive rulers to marshal coercive capacity to resist such predation."

Somaliland's history suggests considerable progress in revenue extraction and an overwhelming deployment of those revenues into national defense. As early as September 1995, government revenues from import and export taxes at the Berbera port were estimated to be between US$10-15 million per year (Bradbury 2008, p. 111). Somaliland's government levied taxes on livestock exports, imports of consumer goods and imports of *qat*. As Stepputat and Hagmann (2019, p. 800) explain, "All three depended on free circulation and centralized control of key gateways, mainly Berbera Port, Hargeisa airport and the road junction Kalabaydh." In 2002, customs duties accounted for 85% of all government revenue (Bradbury 2008, p. 237). By 2017, Somaliland's Director General of the Ministry of Finance, Mohammed Hassan Ibrahim, suggested that 70-75% of the government's revenues came from customs duties (livestock exports, *qat*, Berbera imports) with 25-30% coming from inland revenue (a 5% sales tax, a 6% income tax, rental property tax, car license fees, etc.) (Ibrahim 2017). A more recent Ministry of Finance Development document (2020, p. 7) assessing the adverse impacts of the COVID-19 pandemic observed that 77.6% of the government's revenue in 2020 came from customs, 16.6% came from inland revenue and 5.8% came from other sources.

Somaliland is frequently criticized for an over-reliance on customs duties. Yet, it has gradually expanded the share of its revenues coming from inland revenues. Foreigners staying in hotels now notice the sales tax on their bills. Vehicle license and registration taxes are now prominently displayed. Its large dependence on customs revenues is also not unusual for countries in their initial stages of development (Besley and Persson 2009, p. 1238; Thies 2004, p. 64). And, through its agreement with DP World and Ethiopia to develop the Berbera port and corridor, the government is willingly conceding reduced customs revenues based on the expectation "that 'more movement' will promote development and increase state revenue 'further inland' to substitute revenue from customs" (Stepputat and Hagmann 2019, p. 807). Somaliland's heavy initial reliance on customs duties is not unusual and it is actively working to increase inland revenues and reduce this dependence.

Somaliland is also criticized for not raising significant revenues. Somaliland does not tax remittances. Phillips (2020) is scathing on Somaliland's inability to raise taxes from the large telecommunications companies operating in its territory. In her view, "The government lacks the institutional capacity (and often the willingness) to compel the business community to pay substantial tax" (Phillips 2020, p. 135). While there is much truth to this, as Musa et al. (2021, p. 119) point out, "Somaliland authorities have successfully extracted income from livestock trading." As livestock accounts for almost 30% of Somaliland's GDP, is its largest single export and directly or indirectly employs more than half its population (World Bank 2016, p. 12), that is a significant accomplishment.

The government may not have an ideal mix of taxes, but it has succeeded in raising its revenue intake dramatically. Somaliland's government budget was typically in the $20-40 million range in the 2000s (Bradbury 2008, p. 236; Menkhaus 2006/2007, p. 91; Eubank 2012, pp. 475-476). This had increased to $180-200 million per year in the 2010s. Former Finance Minister Abdiaziz Mohamed Samale presented a 2016 budget of $295 million to parliament (Samale 2016). Somaliland's initial 2017 budget of $362 million had to be cut by 30% due to a major drought and a Saudi ban on livestock exports (Ibrahim 2017). The Ministry of Finance Development (2020, p. 8) now suggests a COVID-19 pandemic-related 15.4% reduction to an original 2020 budget figure of $238 million. To the extent that revenue raising is a good rough approximate measure of state capacity, increasing revenues from $20 million at the start of this century to more than $200 million today suggests that Somaliland's state capacity is improving.

Turning to Geloso and Salter' s (2020) concept of state capacity as investments in national defense, one also sees Somaliland's uncertain legal status forcing it to devote most of its revenues to security spending. In its first few decades, Somaliland typically allocated 50-70% of its total budget to national security spending (Bradbury 2008, p. 238). In 2020, 75% of its total budget was allocated to salaries and operating costs (Ministry of Finance Development 2020, p. 8), much of which relates to security spending. Hoehne (2018, p. 8) acknowledges that Somaliland's budget tripled in ten years but laments that "Most of the 'extra money' of the state went into increasing the salaries of the armed forces" and did not lead to anything like a tripling in the quality of public services.

Hoehne is correct that the combination of limited overall revenues and the need to devote most of them to security spending leaves little remaining for education, health or other public infrastructure spending and that Somaliland citizens suffer from this. Yet, the extent of Somaliland's success in maintaining internal peace and stability is immediately apparent. One can walk the streets of major cities like Burco or Hargeisa after dark without fear for one's safety. Entering or exiting the country is not a harrowing experience. While peace is more pronounced in the central triangle formed by Berbera, Burco and Hargeisa than it is in the eastern regions of Somaliland which are also claimed by Puntland, even there the violence is limited when compared to south-central Somalia. The UN Development Program finds that the percent of youth experiencing five distinct kinds of violence in the past year was lower in all categories in Somaliland than in south-central Somalia (UNDP Somalia 2012, p. 209). When a survey of Somaliland businessmen asked if they felt that they are likely to be victims of crime in the next twelve months "84 percent either disagreed or strongly disagreed with such a possibility" (World Bank 2016, p. 19). Phillips (2020, p. 6) calculates that "from the time Somaliland's internal wars ended in late 1996, it has experienced around 1 percent of the fatalities from conflict that were suffered in the rest of Somalia." How Somaliland has maintained peace, however, is more a story of the libertarian tendencies of its people than it is of its state capacity. It is to that we now turn.

SOMALILAND AND LIBERTARIANISM

Defining libertarianism is a contested enterprise. For our purposes, libertarianism is defined as a political philosophy that prioritizes liberty as its core principle. It seeks to maximize personal freedom and emphasizes freedom of speech, free association, freedom of choice, free markets and strong private property rights. It is skeptical of or outright hostile to concentrated state power.

While a small state with a limited capacity to raise revenue and decentralized legal and security arrangements initially sounds appealing, Somaliland is not a libertarian paradise. Libertarians might relish the chance to legally join the estimated 90% of Somaliland's adult male population that daily chews *qat*, a mild stimulant (Bradbury 2008, p. 171) but they would find it problematic that washing their *qat* down with a beer could get them arrested. Article Five of Somaliland's Constitution establishes Islam as the country's religion and prohibits "the propagation of any other religion in Somaliland." Article Nine of Somaliland's Constitution mandates the existence of not more than three political parties in Somaliland. An upper house of parliament reserved for (almost entirely male) clan elders who have not been elected or selected since 1997 also violates libertarian ideals. US officials have repeatedly expressed concerns to Somaliland over the country's recurrent arrests of journalists and opposition party politicians (Pegg and Berg 2016, p. 281). Private radio stations remain banned, and women suffer from almost universal female genital mutilation.

Yet, Somaliland's government closely reflects its society which demonstrates some libertarian sympathies. The peace and stability described above does not emerge from the competence of its security forces. Security arrangements in Somaliland are extremely decentralized and rely heavily on clans, clan elders and local political and religious leaders maintaining peace in their own areas (Hagmann and Hoehne 2009, pp. 49-51; Menkhaus 2014, p. 163; Walls 2009, p. 383). Local non-state actors typically resolve local matters. As Hagmann and Hoehne (2009, p. 49) note, "Only in exceptional cases, when the integrity and stability of Somaliland is at stake, do central government institutions such as the House of Elders or the national armed forces intervene directly." The central government's role is often limited to ratifying agreements reached by non-state actors.

One way to interpret this is that Somaliland's government does not have a monopoly on law enforcement and relies heavily on private, customary law which calls into question whether it should even be considered a state (Leeson 2007, p. 700). Another way to interpret it, though, is that Somaliland has effectively incorporated traditional non-state actors and institutions into a viable decentralized security system that well reflects its own society. Somaliland has dramatically reduced violence compared to south-central Somalia, and it has not done so through repressive or heavy-handed tactics. Somaliland has been successful in combating maritime piracy, yet its counter-piracy officials routinely note "their inability to curtail piracy through their formal institutional capacity, signaling instead the degree to which they rely on ordinary people reporting possible operations to them" (Phillips 2020, p. 137). One member of Somaliland's elite proudly observes that "Al Shabaab bombed Uganda but could not disrupt our election or mass rallies. This is not because our police and military are efficient. They are not. The people are our police" (Duale 2010). Former Foreign Minister Edna Adan Ismail often makes this point by saying that "Somaliland works because the people of Somaliland want it to work." From a libertarian perspective, what is not to like about the paradox so readily visible throughout Somaliland that "a relatively strong sense of public security is widely perceived despite people's awareness that the police and armed forces cannot provide a robust guarantee of that security" (Phillips 2020, p. 163)?

It is important to remember that security is the one area the Somaliland state has devoted significant revenue to supporting. Outside of the security sector, the Somaliland state has largely outsourced non-security development needs to other actors including citizens, clans, its influential diaspora and, increasingly in recent years, foreign aid and non-governmental organizations. Most Somaliland residents accept this. As explained by Mohammed Fadah (2010), "The number one thing for our people is peace. They do not care about much else from the government. The government handles security otherwise it faces few demands or expectations from the people."

Education is one sector that illustrates the fascinating relationship between a limited capacity state and a private sector that drives much of the impetus to expand education but finds it symbiotic to work with rather than against the state. The state's constrained resources and its willingness to outsource development needs to non-state actors means that "the Somaliland state administration only played a limited role in re-establishing schools and the education sector" (Gandrup and Titeca 2019, p. 649). Yet, the state's limited role in rebuilding Somaliland's war-devastated educational sector did not prevent that sector's growth. The number of primary schools in Somaliland increased from virtually none in 1990 to 294 in 2001 to 1,083 in 2015 (Gandrup and Titeca 2019, pp. 642-643). More recently, the number of primary and secondary school students increased from 265,704 in the 2013-14 academic year to 312,042 in the 2017-18 academic year while the number of primary and secondary school teachers increased from 10,044 to 11,477 during the same timeframe (Ministry of Planning and National Development 2019, p. 11). This is not, however, an entirely private sector accomplishment. As Gandrup and Titeca (2019, pp. 654-655) observe, "Due to its lack of international recognition and its limited financial capacity, the state administration is not capable of fully regulating and financing education. This does not mean that the education sector… depends entirely on the private sector." Indeed, non-state actors seek state approval both for the limited funds the state can provide but also, more importantly, for how state approval can facilitate their access to external resources, including foreign aid organizations who typically will not support educational institutions that are not state approved (Gandrup and Titeca 2019, p. 651).

The libertarian bent of Somaliland's citizens and traders also shows up in their government's light regulation of businesses. While some of this reflects the government's weak bargaining position vis-à-vis major corporations, the commitment to free market capitalism also arises out of Somalilanders' devastating experience with Siad Barre's "scientific Socialism." As explained by Claire Elder (2021, p. 1752), the Somaliland "state emerged out of a revolutionary liberation agenda committed from the outset to business autonomy, market-led development and self-sufficiency in the shadow of Siad Barre's predatory regime…." At crucial times during its early state-building process, Somaliland's government depended on loans from private sector businesses to finance clan conferences, disarmament and demobilization efforts or various peace-building initiatives (Balthasar 2013; Musa and Horst 2019; Phillips 2020; Stepputat and Hagmann 2019). In some ways, this was an inevitable response to the limited foreign aid that Somaliland's unrecognized government received in its first decade. This lack of foreign aid and reliance on domestic resources was arguably beneficial to Somaliland's democratic development as it facilitated a form of "revenue bargaining" that ensured the government was constrained and accountable to its domestic constituents and not beholden to aid donors or international financial institutions (Eubank 2012).

In return for providing financing and loans at critical moments, Somaliland's largest businesses secured extremely limited government regulation in return. This pact between government and business elites led to significant positive and negative externalities. On the positive side, Somaliland's embrace of free market capitalism led to the impressive growth of certain sectors and rapid progress in rebuilding its devastated economy. As explained by Musa and Horst (2019, p. 41), "the entrepreneurial spirit of the business elite, in conjunction with a laissez-faire economy after the civil war, has allowed local business to thrive. It is through private initiative that electricity companies were established, one of the cheapest telephone systems in Africa was made available, advanced mobile money transfer systems were created and several private airlines serving East Africa and the Gulf were established.” The prosperity so visible today in Hargeisa is a result of light touch regulation, an embrace of free market capitalism and a stable environment conducive to welcoming diaspora investment even if Somaliland’s lack of sovereign recognition scares most foreign investors away.

The downside, though, was granting “businessmen extensive tax exemptions and monopoly status in foreign trade” (Stepputat and Hagmann 2019, p. 801). As explained by Musa and Horst (2019, p. 41), “The state reciprocates private sector contributions and loans by limiting regulations perceived to be in the detriment of local business owners, and such policies have closed the Somaliland market for all but a handful of powerful private companies.” The result is an economy dominated by a small number of large companies that contribute little in taxes. In Phillips’ account, “Through its inability (and sometimes unwillingness) to regulate the economy, Somaliland’s government has perpetuated a market with limited opportunities for access, placing a ceiling on the prospects for more inclusive development” (Phillips 2020, p. 77).

Somaliland is characterized by a dearth of government regulations in key sectors. The lack of government regulations in telecommunications has contributed greatly to some of the cheapest cellphone rates anywhere in the world and to the almost universal acceptance of mobile money payment systems from person-to-person transactions to informal street vendors and the largest hotels, restaurants and formal business establishments. Yet, as the World Bank (2016, pp. 50-51) highlights, “no part of the telecommunications sector is regulated by a designated authority, including the e-money business, which presents financial risks that need to be managed by appropriate authorities.”

CONCLUSION

Somaliland’s citizens would not be “better off stateless” (Leeson 2007). They have, however, benefitted from having a small state with limited capacity that has been allowed to develop in accordance with its own societal traditions and largely free from the kind of intrusive international interventions that have singularly failed to construct a viable centralized Somali state in Mogadishu (Leonard and Samantar 2011; Phillips 2020).

Somaliland’s lack of external recognition has constrained, shaped and limited its state capacity building in several ways. The omnipresent threat of forcible eradication has forced the state to prioritize security expenditures above everything else and to largely outsource non-security development needs to other actors. The lack of foreign assistance, particularly in its earliest years, forced Somaliland to rely far more on internal resources than other sub-Saharan African states have had to do. The positive impact of this was allowing Somaliland the freedom to experiment with institutions that reflected its own society, culture and traditions well and were not Western impositions. Somaliland did not get everything right and it is still trying to resolve significant contradictions within its political system today. Hoehne (2013, p. 213), for example, critiques Somaliland’s hybrid mix of traditional and modern governance and argues that Somaliland finds itself today with “not only an imbalanced but a ‘crippled’ hybrid order that advances neither effective democracy nor strong traditional governance, but undermines both the Western-oriented state and the home-grown traditional system.” Yet, the lack of foreign intervention, its relative freedom to experiment and its reliance on diaspora and business funding arguably made positive contributions to Somaliland’s democratic development (Bradbury 2008; Eubank 2012; Phillips 2020; Richards and Smith 2015). The negative impact of this lack of international assistance came in the creation of an economy dominated by a handful of large business interests that face only minimal regulation and pay next to nothing in taxes (Elder 2021; Musa and Horst 2019; Phillips 2020; Stepputat and Hagmann 2019).

Yet, although Somaliland’s lack of externally recognized sovereignty has shaped its development in profound ways, there is nothing that suggests it is entirely unique or *sui generis* in the history of state capacity building or that its present position is incomprehensible when compared to other sovereign states. Developing countries are often criticized for their limited capacities, yet empirical “findings suggest that the same processes that ultimately led to strong states in Europe may be at work in their early phases in the postcolonial developing world" (Thies 2004, p. 54). The account of Somaliland's state-building put forward by Balthasar (2013) which highlights the importance of a series of civil wars fought from 1991-1995 in building Somaliland's state capacity and argues that "the civil wars fought in the mid-1990s were clearly constitutive of Somaliland's state-making" (Balthasar 2013, p. 231) would certainly not shock scholars familiar with the literature on early European state-building. Most former sub-Saharan African colonies today are just over sixty years old. Somaliland, in contrast, has just celebrated thirty years since it reasserted its sovereignty in 1991. Although it is often criticized for an excessive reliance on customs duties, "Evidence suggests that reliance on international trade taxes has been the norm for emerging states, whether in Europe during the 17th and 18th centuries, the U.S. and Latin America in the 19th century, or Africa in the latter half of the 20th century" (Thies 2004, p. 64).

Somaliland's limited state capacity with a few "clusters of competence" like its National Electoral Commission (Menkhaus 2014, p. 171; World Bank 2016, p. 79) is also not particularly surprising. Besley and Persson (2009, p. 1240) find that state fiscal and legal capacities "typically evolve quite slowly. This may help to explain why historical patterns of prosperity are so highly persistent." Capacity is also relative and varies across different functions for most states. Bardhan (2016, p. 870), for example, observes that "The Indian state shows extraordinary capacity in some large episodic matters, like organizing the complex logistics of the world's largest elections or the world's second largest Census. But it displays poor capacity in, for example, some regular essential activities like cost-effective pricing and distribution of electricity."

Somaliland's overwhelming emphasis on the preservation of peace is often criticized. Elder (2021, p. 1754), for example maintains that rather than serving the broader population, "Somaliland's peaceocracy has protected the interests of a select group of financial and political elites for decades. These interests have deliberately kept civil society organizations and formal offices and ministries weak." Phillips (2020, p. 77) similarly laments that "Despite the broad political inclusiveness of Somaliland's peace process between 1991 and 1997, the implicit bargain between the political and economic elites that consolidated it was highly exclusive and laid the foundation for the concentration of economic opportunity in the hands of a select few." North, Wallis and Weingast would not find such critiques surprising. In their view (2009, p. 61), "privileges in the natural state solve the problem of violence, but, in comparison with open-access orders, the existence of these privileges greatly hinders economic growth by creating monopolies, rents, limits on the formation of new organizations, and an absence of widespread, secure, and impersonal property rights." North, Wallis and Weingast (2009, p. 61) go on to conclude that "This suggests a fundamental dilemma of development: The means by which developing countries, as natural states, solve the problem of violence hamper long-term growth."

Yet, when viewed comparatively, Somaliland's "peaceocracy" is an impressive achievement. Cox, North and Weingast (2019) highlight the prevalence of violent regime change in the developing world. They "define a regime as a state that experiences an uninterrupted sequence of non-violent leadership successions. In other words, a regime ends when succession involves violence" (Cox, North and Weingast 2019, p. 5). Defined this way, they identify 697 regimes in 162 countries from 1840—2005. They emphasize how incredibly common violent regime change is. According to their findings, "Ten percent of all regimes last no more than one year, while half of all regimes last no more than eight years. Three quarters of the countries in the 'all regimes' sample last no more than a generation (here, 24 years)" (Cox, North and Weingast 2019, p. 5). Somaliland's first four presidents—Abdirahman Ahmed Ali 'Tuur' (1991–1993, losing an election among clan elders), Mohamed Ibrahim Egal (1993–2002, natural death), Dahir Riyale Kahin (2002–2010, losing a popular election) and Ahmed Mohamed Mohamoud 'Silanyo' (2010–2017, voluntarily not seeking re-election)—have all left office through regular or constitutional means. One might thus argue that Somaliland's regime, as defined in Cox, North and Weingast's (2019) terms, has thus lasted more than thirty years (1991—2022). Even if one were to make the reasonable decision to limit Somaliland's peace from 1997, its regime on that basis has still outlasted more than three-quarters of the regimes in Cox, North and Weingast's (2019) sample, most of which had dramatically higher per capita GDPs and did not have to deal with the additional challenges of being unrecognized. The wanton destruction of Hargeisa and Burco by Siad Barre's indiscriminate aerial bombing campaigns that did "not seem to correspond to any rational political or military objectives" (Adam 1994, p. 29) and the multiple tens of thousands of people killed in what is now Somaliland and the multiple hundreds of thousands of people forced to flee as refugees or internally displaced persons from Somaliland (Africa Watch 1990, p. 10) during the Somali civil war in the late 1980s-early 1990s poignantly illustrate the potentially stark centralized state alternative to Somaliland's limited and imperfect "peaceocracy."

Although his idea of state capacity libertarianism was clearly not developed with Somaliland in mind, Cowen's (2020) argument that many problems are "failures of state capacity" whose solutions "require state capacity—albeit to boost markets—in a way that classical libertarianism is poorly suited to deal with" is one that resonates strongly in contemporary Somaliland. The World Bank (2014) estimated that Somaliland's GDP per capita in 2012 was $347 which "would be the fourth lowest in the world, ahead of Malawi, the Democratic Republic of Congo and Burundi." In terms of basic infrastructure, even though Hargeisa is the country's commercial and political capital, another World Bank study (2016, p. 29) found that "Only 13 percent of firms in Hargeisa get electricity from public sources, while the remainder… rely entirely on private sources for electricity, mostly in the form of diesel generators." Fewer than one in one hundred households in Hargeisa has access to running water (Kilcullen 2019, p. 15). In the evocative description of one observer, Hargeisa's central avenue "is the only decent tarmac road in the city. Virtually every other paved street is potholed, and outside the business district many roads are gravel or dirt. There are few gutters and no properly-constructed drainage system, so that on the rare occasions when significant rain falls, large areas of the city are flooded and roads are impassable due to mud" (Kilcullen 2019, p. 15). Somaliland's infant and maternal mortality rates are among the world's highest and its total fertility rate of 5.4 children born per woman (Ministry of Planning and National Development 2018, p. 11) also speaks to its lack of development. While Somaliland's vibrant private sector and its embrace of free market capitalism are features to admire, providing basic infrastructure and lifting its people out of abject poverty requires additional state capacity. As Cowen (2020) emphasizes, "State Capacity Libertarianism has no problems endorsing higher quality government and governance."

Somaliland is never going to be a libertarian paradise. *Qat* will remain legal, and alcohol will not. Although the country is friendly and welcoming to non-Muslim visitors, it is and will remain an Islamic country. Traditional clan elders will continue to play a greater role than most libertarians would see as desirable, and Somaliland's women will continue to suffer from high rates of early marriage and almost universal female genital mutilation (Ministry of Planning and National Development 2018) in ways that should trouble all libertarians. Yet, Somaliland's by design and by default libertarian orientation—its small state, its limited capacity, its light touch regulation, its embrace of free-market capitalism, its democratic political system and its willingness to devolve major responsibilities to non-state actors—do much to preserve relatively harmonious relations with its society and to prevent the emergence of a tyrannical state like Siad Barre's Somalia. Somaliland will never evolve into an ideal example of state capacity libertarianism. Yet, working to improve state capacity while simultaneously expanding freedom is essential to improve human welfare. Its citizens could do far worse than something approximating "state capacity libertarianism with Somali characteristics."[1]

NOTES

1 The author would like to thank Brandon Christensen and three anonymous referees for their extremely insightful comments on earlier versions of this manuscript.

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Mr. Manypenny's Millions: Freedom and Sovereignty in the Nineteenth-Century Native American Annuity Conflict

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Abstract: In the 1850s, a decade of great stress for Native North Americans, U.S. Commissioner of Indian Affairs George Manypenny preoccupied himself with Indigenous nations' supposed dependence on U.S. government annuities. Through new treaties he pressured or persuaded Native American leaders to convert annuities into term or lump-sum payments, or to accept agricultural training and equipment as payment. Native Americans saw annuities as emblems of sovereignty, tangible proof of sovereign-to-sovereign relations, and their distribution as opportunities to gather and affirm social unity. They proved willing to give them up only in return for other assets, like school funds, that could serve their people's adaptive agendas.

Keywords: Annuities; Civilization program; Great Lakes Indians; Hole-in-the-Day; land; Manypenny, George; Miamis; Native Americans; Ojibwas; Pacific Northwest; Parks, Joseph; Shawnees; sovereignty; treaties

In 1853, when George Manypenny took office as the United States' ninth commissioner of Indian Affairs, the peoples whose affairs ostensibly fell under his charge found themselves in varying states of crisis. Across half of the continent Native Americans absorbed the impact, usually harmful if not deadly, of a settler empire's expansion. In the Great Lakes region, Menominees and Ojibwas faced official pressure to leave their homelands, and the loss of timber and hunting ranges if they stayed. On the eastern prairies emigrants from the Great Lakes country, driven from their old homelands by Removal treaties and bayonets, and scarcely settled into their new reservations, faced pressure to move from Kansas to Oklahoma and clear the right-of-way for a Pacific railroad. In the Pacific Northwest Governor Isaac Stevens, determined to repopulate Washington Territory with white settlers, used coercive treaties to seize millions of acres of the Nisquallies', Yakamas', and other nations' lands, pushing the Native signatories onto small reserves and sending soldiers against those who resisted. In California, the Americans turned settler colonialism into out-and-out genocide, destroying Native food resources, legally enslaving Indian men and women under state vagrancy laws, and wiping out entire communities in deliberate campaigns of extermination. Throughout the United States' jurisdiction, for the first time since the Revolution, the number of battles American forces fought with Native peoples exceeded the number of treaties those nations signed by three to one (Nichols 2018, pp. 180-184, 187-188, 196; Bowes 2016;

Calloway 2013, pp. 177-180; Hurtado 1990; Lindsay 2012. The battle-to-treaty ratio is for the entire decade 1850-59: see Anderson and McChesney 1994: 39-74, esp. 48, 69. On the wars that Governor Stevens' polices engendered see Wadewitz 2019: 339-61; Calloway 2013; Reddick and Collins 2013).

Native North America had, in short, come under severe stress. When, however, the new commissioner of Indian Affairs sat down to report on his constituents' crises and concerns, he devoted little attention to American Indians' loss of land (except to note it as a positive good) or the death squads on the move in the Far West. Instead he focused his white readers' attention on what he considered an equal threat to Native peoples' well-being: money. Since the 1790s the U.S. government had been compensating indigenous Americans for land cessions with annuities, annual payments of goods or (increasingly) cash, that by the early 1850s collectively exceeded half a million dollars per annum. These were small outlays for an aggregate Native American population of several hundred thousand. Nonetheless, Manypenny viewed them as a big problem: "The money-annuity system," he asserted, "has done as much, if not more, to cripple and thwart the efforts of the government to domesticate our Indian tribes than any other…obstacle" (Nichols 2008, pp. 122, 125, 199, 201; *Annual Report* 1853: 7, 20-21).

Selected Treaties Mentioned in This Article, 1853-55

Date	Signatories	Total Annuities	Acres Ceded
10 Sept. 1853	Shastacosta, Takelma	$40,000	2,000,000
15 March 1854	Oto & Missouri	$385,000	1,250,000
5 June 1854	Miami	$150,000	240,000
26 Dec. 1854	Nisqually, Puyallup	$32,300	256,000
22 Feb. 1855	Ojibwa	$1,140,000	11,000,000

Sources: Kappler 1904, pp. 2, 603-605, 608-611, 641-46, 661-664, and 685-90, respectively.
Notes: The 1854 treaty with the Shastacostas and Takelmas mentioned in this article was essentially an addendum to the 1853 land cession summarized in this table. The annuity figure for the 1855 treaty with the Mississippi and Pillager Ojibwas includes annuities paid in goods. "Total annuities" represent most, but not all, of the compensation that signatory nations received for ceded lands."

Native Americans might like annuities, but the commissioner found their obsession—"With Indians it is annuities, annuities, annuities, all the time," he complained to an Ojibwa delegation—unhealthy. Manypenny came to his office with an ameliorationist background: in his adopted home town of Zanesville, Ohio, he had served as a court clerk, a board-of-education member, and a canal contractor. What was good for George Manypenny and good for Ohio—

> laws, schooling, access to markets, and the hard work that gave one a saleable surplus—was presumably also good for Native Americans. Free money led to improvidence and disregard for what the Indian Office considered self-improvement. Annuities let Indigenous Americans run up debts, drink to excess, and eschew the agricultural labor that could alone bring them moral health and personal independence. Only if the national government intervened, and imposed its paternal control on the form and manner of its payments, could it protect Native annuity recipients from the unhealthy consequences of their economic liberty, and ensure their long-term survival (Talk of Commissioner Manypenny, 1855, DRNT: 287: 61; Kwasnicka and Viola 1979, pp. 57, 59-60; *Biographical* 1892, pp. 77, 95, 194).

During his four-year tenure of office, Manypenny negotiated a dozen Indian treaties in person, and advised on or formally reported many more—fifty in all, about twelve percent of all Native American treaties negotiated by the U.S. government. The commissioner and his colleagues made reform of the money-annuity system one of their priorities. Some of the treaties they negotiated in the mid-1850s gave the signatories specific goods rather than fungible cash. An 1854 agreement with the Rogue River Indians (the Shastacostas and Takelmas), in which the signatories agreed to open their reservation to other Indian nations, provided payment in livestock, a hospital, and clothing, including "fifty pairs of pantaloons." Manypenny's 1855 treaty with the Pillager (Leech Lake) and Mississippi bands of Ojibwas paid for a land cession with, among other things, five hundred dollars' worth of ammunition, tobacco, and gilling twine, every year. In other cases treaties gave the president and his designees discretionary power over new annuities, letting them tender payment for land in tools, livestock, construction materials, and other merchandise suited to "moral improvement and education." This phrase served as shorthand for the U.S. government's sixty-year-old "Indian civilization" program, which sought to convert Native American men into sedentary farmers and independent householders, thereby breaking their ties to their Indigenous communities and (ostensibly) their financial dependence on the United States. The commissioner incorporated these "civilizing" supplies into his 1854 accord with the Otos and Kickapoos and subsequent treaties with the Menominees, the Sauk and Mesquakie nations, and the Kalapuyas of western Oregon Valley. Treaty negotiators also introduced term annuities with declining payouts, presumably to wean Indian signatories from their dependence on them. The 1855 Treaty of Camp Stevens, for example, limited payments to the Walla Walla and Cayuse nations to twenty years, with the sums declining from $8,000 to $2,000 per annum over the payout period (Kappler 1904, pp. 654; 688, 608-09, 627, 633, 666, 695, 658. On the Indian Civilization program see Perdue 2004, pp. 313-25; Richter 2013, pp. 227-250).

Lastly, Manypenny persuaded some Indian nations with permanent annuities to trade them in for lump-sum payments. In 1854 and 1855, to clear the way for white settlements in the newly-opened Kansas Territory, the United States purchased much of the land holdings of the Delawares, Miamis, Peorias, and Wyandots, all Great Lakes-region peoples who had moved to the prairies a decade or two previously. The commissioner, who negotiated these cessions himself, convinced his Native counterparts to "relinquish and forever absolve the United States" of responsibility for payments guaranteed them by previous treaties. In return the federal government paid the four nations slightly more than one million dollars, some of which their chiefs and councilors used to pay the expenses of families who had to move onto smaller national reservations, or to compensate those who had lost property to a flood of white squatters. Kansas emigrant leaders like Joseph Parks had complained about these marauders, "whites who are like the prairie wolves, prowling about and stealing," but received no redress, at least initially. Apparently the United States intended to relinquish its duty to protect Indian emigrants along with its annuity commitments to them. As if to affirm this, Commissioner Manypenny told one nation, the Miamis, that they should accept a one-time payout because their annuities would cease when their tribe ceased to exist. He expected this to occur sooner rather than later. (It never actually occurred). (Kappler 1904, pp. 638, 642, 680; Bowes 2007, pp.194-195; DRNT, No. 268, p.15; DRNT, No. 274, pp. 15, 117.)

It is more than fair to assume Manypenny's Native American counterparts did not agree with his thinking on the money-annuity system. Certainly they did not accept his binary division of societies into hard-working commercial farmers and indolent, booze-sodden annuity-drawers. Many northern Lakes Indians still made a competent living through non-agricultural pursuits, like commercial hunting, fishing, and harvesting wild plant foods like wild rice and maple sugar, and selling their surpluses to white traders, loggers and miners. Osages and emigrant Delawares worked as middlemen in the southern Plains Indian trade, exchanging textiles and other manufactured goods for Comanche horses and bison robes. None saw these as slothful enterprises. "We *have* worked," the elderly Ojibwa ogimaa Bizhiki protested in a meeting with Commissioner Manypenny, "and we [do] have property." Take away the Ojibwas' "scanty annuity," concurred chief Shahbashkong on another occasion, and "we can [still] live by our industry" (Nichols 2018, pp. 156-157; Child 2012, pp. 23-24, 39-40, 75-76; Edwards 2018, pp. 102-103; Anderson 2005, p. 92; Talk of Buffalo, DRNT, No. 287, 56; Kugel 1998, p. 67).

Nor did Native Americans see annuities as badges of subjection. True, historians of Indigenous American treaties have characterized annuity payments as devices for alienating Native American lands, and for creating a dependent relationship between Indigenous nations and the U.S. government. Native peoples themselves described annuity payments and the political relationship they created very differently. Such payments helped them demonstrate their national unity and sovereignty. Annuities regularly affirmed the recipient nation's diplomatic relationship with a sovereign power, the United States. Like the medals that Indian leaders sometimes requested, they symbolized political equality. One Odawa chief exemplified this ideology when he requested, in 1807, an officer's gorget bearing the words "The Ottawa Nation is entitled to eight hundred dollars a year forever by the Treaty of Detroit," the key words being "nation," "treaty," and "forever." Annuity distributions themselves served as nation-building exercises, opportunities for the whole body of the people to gather and remind themselves of their national status. Polities as disparate as the Chickasaws, the Ojibwas, and—a bit later in the century—the Arapahos used annuity days to celebrate, to feast and dance, to exchange gifts and share resources, and reify their collective identity in the eyes of one other (Jones 1982; Prucha, 1994; Calloway 2013; Case 2018; Nichols 2018, p. 141; Child 2012, pp. 55-56; Conn 2019; Bass 1996, pp. 163-164).

With these external symbols of political recognition, and with the displays of internal social cohesion they made possible, Native Americans asserted their own sovereignty. This they defined as a right to dignity and self-government that derived from Indigenous nations' integrity and unity. Native sovereignty also grew from the "Westphalian" recognition, reified by conferences and formal treaties, that Native Americans received from other nations. This recognition was, however, becoming an unstable foundation for Indian autonomy. The U.S. government had isolated the great majority of Native North Americans from European diplomatic connections, and was by the 1850s moving to end their diplomatic relationship with the United States: in that decade the Senate peremptorily rejected eighteen treaties with California Indians and Congressman began calling for an end to the federal Indian treaty system. In 1871 Congress prohibited future treaties with Native American nations and assumed a more colonial relationship with them (Prucha 1994, pp. 243-246: Kwasnicka and Viola, 1979, p. 91; Calloway 2013, pp. 230-32. On sovereignty and treaties see Simpson 2014, pp. 10-12; Sadosky 2009, pp. 6-9; Nichols 2021, pp. 135-152).

Perhaps Native leaders had some inkling of the changes underway in Washington. Certainly, many were willing to forego or abandon annuity payments, both critical parts of their sovereign relationship with the United States. The reasons for this flexibility varied from nation to nation. Indigenous peoples in the Pacific Northwest had never received cash annuities before, and they recognized—or came to recognize—that the disparity in power between the American empire and their own disease-wracked, settler-harried communities put them in a bad position to negotiate. The Kalapuyas of Willamette Valley, Oregon had in the early 1830s lost ninety percent of their people to malaria, a disease exacerbated by white traders' withholding of quinine from the victims. Theirs was a very weak bargaining position. Some of the Nisquallies on western Puget Sound tried to reject a federal treaty that obliged them to surrender 99.9 percent of their lands, but during the Yakama War (1855-58) white Americans classed the resisting band as insurgents and hanged their chief, Leschi. The Yakamas themselves, who believed they had sufficient military power to keep white miners out of their former hunting preserve, instead were ground down by federal and territorial troops and confined to their reservation (Whaley 2010, pp. 91-93, 97-98, 196; Boyd 1975: 135-54; *Annual Report* 1850, p. 130; Calloway 2013, p. 177; Reddick and Collins 2013: 80-98, esp. 83-84, 86-88).

Other Indigenous Americans viewed the shift from regular but small cash annuities to lump-sum payments or promises of technical assistance as an opportunity. The Ojibwa ogimaa Hole-in-the-Day (Bagone-Giizhig II) informed Manypenny in 1855 that his people had indeed been impoverished by annuities, or more precisely by the traders who took most of them in payment of debts and corrupt agents who skimmed the remainder for their cronies. Worse still had befallen the eastern Ojibwa bands from Wisconsin and northern Michigan, who in 1850 had followed a federal summons to a new annuity site on Sandy Lake, Minnesota, only to find that the Americans had not purchased sufficient provisions for the thousands of attendees; four hundred men, women, and children starved to death at Sandy Lake or during the winter march homeward. Now, Hole in the Day declared, the Ojibwas wanted to settle in permanent reservations and become commercial farmers like the whites. Even with "wisdom" and willpower, however, "they could accomplish nothing" in this regard "if they lacked money and means." Needing tools, livestock, training, and other materials to begin the shift from commercial hunting to commercial agriculture, the Ojibwas needed not a small annuity but "a pile of money to start upon," a pile firmly under the control of reformist ogimaag (Talks of Hole-in-the-Day, DRNT, No. 287, pp. 6, 60-61, 82; Child 2012, pp. 65-73; Kugel 1998, pp. 62-66, 70, 75).[1]

Still other signatories, like the Miami and Shawnee diplomats who cashed out their nations' pre-existing annuities, had particular political goals they hoped the liquidation would serve. Earlier in the century Miami leaders had used negotiation and delaying tactics to resist removal from their northern Indiana homeland. When in 1846 U.S. troops marched into Miami towns to arrest and expel the inhabitants, several hundred men, women, and children took refuge in nearby marshland, or on tracts that wealthier Miamis owned as individual property. Over the next decade the Indian Office divided the nation's annuities, in an unsatisfactorily haphazard manner, between the involuntary emigrants in Kansas and their kinfolk back east. Big Legs and other western Miami chiefs now wanted to remove annuities as a cause of internal division, using a lump-sum payout to restore harmony between the Kansas and Indiana Miamis. Meanwhile, the western Miamis' Shawnee neighbors agreed to commute their old annuities because they wished to use some of the lump sum to create a fund for schools, which Shawnee chiefs saw as an important national institution, and because they wanted concessions from the U.S. government, in particular payment of damage claims to Shawnee farmers plundered by white intruders. To get justice from another sovereign power like the United States, one apparently had to pay for it (DRNT, No. 274, pp. 15, 17, 19; No. 268, pp. 30, 37, 39; Ostler 2019, pp. 296-297; Bowes 2016, pp. 72-76; Birzer 2008, pp. 94-108; Warren 2005, p. 103).

Living in an era when most Native Americans struggled to preserve their lives and what remained of their lands, Indian Affairs Commissioner George Manypenny's obsession with cash annuities seems both comical and blindly negligent. Both he and his Indian constituents would agree, however, that the annuity issue related directly to Indigenous people's survival. The commissioner argued that regular cash payments sapped people's moral health, leaving them unwilling to work and unable to feed themselves. Take away Indians' annuities and force them to work, Manypenny insisted, or they would decline and die. Native American leaders viewed annuities through a political lens, rather than a moral one. They saw in them a regular demonstration of their people's collective relationship with a sovereign power and a means of convening all of those people as a corporate body—in short, as a building block of their own sovereignty. Annuities, however, were but a means to a political end. In negotiations with the United States, chiefs and councilors could exchange those payments for other assets that also supported their nations' sovereignty: capital and consumer goods that could help their people survive, school funds that national leaders controlled, damage compensation that implicitly acknowledged their property rights, and the resolution of damaging internal disputes.

Manypenny shared much in common with Progressive-era reformers like Henry Dawes and Richard Pratt, who believed that the key to Native American survival was individual economic self-reliance, what one historian has called "sovereignty of the self." Dawes and his contemporaries, with access to far more power than the United States commanded in the 1850s, took a more radical approach to Indigenous transformation: they divided collectively-held reservation lands into family allotments and detribalized Native children through boarding schools. Manypenny had access to a less powerful policy toolkit: negotiable annuities, "civilization" grants, and treaties, sometimes coerced and sometimes more equitably negotiated. Native American leaders like Joseph Parks, Big Legs, and Hole-in-the-Day still recognized that the commissioner and those who shared his philosophy represented potential threats. The believed that their survival depended not on greater individualism and reliance on the United States' goodwill, but on collective negotiation and Indigenous sovereignty. While the trauma and dispossession that American Indians endured in the 1850s were theirs alone, the debate they held with white officials over the efficacy of individualist versus collective paths to independence was one they came to share with many other Americans in the coming decades (Greene 1992, p. 188; Hoxie 1984; Genetin-Pilawa 2012).

NOTES

1 The final treaty with the Ojibwas provided the signatory bands with over one million dollars paid out as 20-year annuities, with the proviso that they reserve some of the funds for their "improvement and welfare," and the further stipulation the president could withhold annuities from "intemperate or abandoned" individuals (Kappler 1904, pp. 687-689). White traders frequently siphoned off Native American annuity money in payment of debts. See Prucha 1994, pp. 220-22; Case 2018, pp. 60-61.

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Reflections of Changing Views of Canada's Arctic Sovereignty: Resilience and Change in the Liberal State

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Abstract: The principle of Indigenous sovereignty acknowledges the liberal imperative of state authority, and yet simultaneously transforms it. Fundamental principles of sovereignty embedded in Westphalian ideas of state and nation-state are counterpoised against in other rationalities—including concepts of cultural rights, human security and more localized sovereignties. Canada's experience in laying claim to both the internal waters of the Canadian Northwest Passage, and its more recent claim to the extended continental shelf in the Arctic Ocean, are a case in point. In both of these cases Indigenous sovereignty challenges the right of the Canadian state to make such claims without the explicit permission of Inuit peoples. Yet, gaining such permission supports conventional sovereign claims much the way is conventionally associated with the Peace of Westphalia, even if history was more complicated and less immediate in its compliance with what became conflated over time with Westphalian ideals. Meanwhile, land claims treaties in Canada's Arctic along with new understandings of climate change and human security support a reassessment of sovereignty in practice, and an expansion from the Westphalian ideal to a post-Westphalian synthesis of Indigenous and state sovereignties. Can we still call such arrangements "liberal", and is decolonization consistent within a framework of liberal views of state sovereignty? The Inuit experience at the nexus of Indigenous and state sovereignty suggests we can indeed, and that Canada's evolving conception of sovereignty re-introduces tribal sovereignty as a pillar of the new, post-Westphalian order. While similar processes are under way across the Indigenous world, whether in the Far North or Global South, the experience in Arctic North America sheds important light on the evolution of sovereignty in both theory and practice as Indigenous values and conceptions are increasingly recognized and embraced by the sovereign states that emerged in their homelands through colonial state expansion.

1. INTRODUCTION

An American Indigenous professor of law once pointed out that in her estimation, Indigenous Peoples in the United States had many more rights than in Canada. They were, she suggested, in a much stronger political position. The difference seemed to revolve around the concept of sovereignty and its application. In the US, many native peoples are considered to be sovereign nations, and tribes are considered to be "domestic dependent sovereigns" meaning that their authority to govern "is preserved, the extent of that authority is defined by the U.S. Congress" (Kimmel 2009). In Canada, sovereignty reflects a new degree of self-determination nested within regional and federal land claims and inherent cultural rights (Nicol 2016, p. 6). But in both cases, in relation to Indigenous Peoples, the term itself is envisioned and valued differently today than it was when inscribed in Westphalian terms by the 'doctrine of discovery' (Philpott 1995). It is also worth noting that concepts of sovereignty as described by Northern Indigenous Peoples affected by land claims negotiation, differs yet again, and refers to relationships to the land rather than to political authority (Inuit Qaujisarvingat 2013). For indigenous Peoples, the construct of sovereignty has been redefined in relation to the concept of group or cultural rights inherent in the United Nations Declaration of the Rights of Indigenous Peoples (Weissner 2008). The latter sees the inherent right of Indigenous groups to utilization to traditional territories and cultural practice (Joeffe 2010, Nicol 2016, Shadian 2014,). This contrasts also contrasts with Northern state agencies that are engaged in defence and protection of territorial integrity. Still, while different cultural and political understandings of sovereignty exist, they are not mutually exclusive. And indeed, sovereignty is becoming much more intertwined with changing notions of human security and human/Indigenous rights.

In this paper we explore the notion of the evolution of sovereignty in northern Canada more closely. In addition to this introduction (section 1), this paper first examines considers what sovereignty is (section 2), the histories of Arctic Sovereignty (section 3), sovereignty re-conceptualized in Arctic North America: evolving beyond the unitary Westphalian state into state-tribe sovereign partnerships (section 4), international and transnational dimensions of Arctic sovereignty (section 5), and a concluding discussion (section 6). We explain why the opening comment that US Indigenous Peoples might have greater rights masks the degree to which Indigenous sovereignty has become equally embedded within the liberal state, albeit in different ways. Northern Canada is indeed a place where new understandings of Indigenous rights are contingent upon new ways of imagining sovereignty, less in absolute 'Westphalian' terms and more in collaborative, hybridization of tribal and state authorities. Here, territorial sovereignty is given new strength and resiliency through a new and emerging landscape of cultural rights, while decolonization proceeds in ways that inherently reinforce the liberal state at the same time that it simultaneously supports multiple sovereignty narratives.

2. WHAT IS SOVEREIGNTY?

The Westphalian concept of sovereignty, as its expansive body of literature suggests, invests sovereignty in polities with legitimate authority or final authority. Emerging from the Peace of Westphalia in 1648, it was a form of legitimizing power by placing it solely in the hands of nation-states, restoring order to war-torn Europe after decades of sectarian warfare, subordinating internal contests in faith and identity to the overarching authority of state. As with many important concepts, subsequent generations of scholars have at times greatly oversimplified the concept, and through casual usage transformed a nuanced historical concept into what Benno Teschke has called the "Myth of 1648" (Teschke 2003). And Philpott argues that concretizing such an enduring definition of sovereignty is at best a 'pipe dream' (1995). Indeed, as many have already argued, sovereignty can be seen as the ultimate 'simulacrum', a truth claim based upon a false and unattainable ideal (Nicol 2016, Lenzerini 2006, Pozorov 2007, Philpott 2001, Teschke 2003). In a 21st century world of transnational political, economic and cultural actors, the fleeting nature of legitimate authority is clear, especially within a pluralistic state. For Philpott (1995), sovereignty, has always been transitory, reflecting a dynamic landscape and endless struggle for self-determination, because: "The problem is obvious: enforcement of sovereignty and territorial integrity may deny the principle of equal rights and self-determination of peoples, and vice versa".

3. HISTORIES OF ARCTIC SOVEREIGNTY

Thus, far from being set is stone, sovereignty is inherently contestable if only because it seeks to establish 'legitimate' authority. But the question of legitimacy is itself slippery. In North America, for example, European powers drew upon the concept of *terra nullius*, although the territories they claimed as nobody's land were not. There is a complex literature on European colonization, and rather than repeat it here, it is enough to say that over time, America, British and French colonial powers in North America dispossessed original peoples of their land (Harris 2004). By the late 19th century, a system of reserves had been established that created a patchwork of Indigenous places in a non-Indigenous larger quilt of non-Indigenous territory (Hoy 2021). Indigenous territories were controlled by state government—often through a dislocating process that shifted the location of people to places with little saliency with traditional land. This is true of the 'Lower 48'United States and Canada south of the 60th line of north latitude.

In the North, however, the story proceeds in a slightly different way than it did in southern locations. The sequence of colonialism, and settlement was different (Zellen 2010a; 2018, 2020). While Alaska was first colonized by Russian traders and explorers in the 17th century, in both Canada and the US the modern "state" arrived only on the mid-19th century, and its presence was originally light (Zellen 2010a, 2020). The 1867 purchase of Alaska by the United States subsequently imposed American governance over Russia's former colonial territory and from this point forward, a small but sustained settlement of the region began which lasted well into the mid-20th century, accelerating during the gold rush years (Nicol and Chater 2021). After the Second World War a concerted effort was made to develop and settle the region, and Alaska achieved statehood in 1959. Before that, it was an 'organized incorporated territory 'of the United States, and the District of Alaska before that. (Nicol and Chater 2021).

While exploration began in the Canadian North as early as the 16th century, by the end of the nineteenth century the Canadian Arctic had been largely explored and mapped, and the establishment of colonial governance occurred later in that region as well: "In 1670, the British Crown granted a royal charter to the Hudson's Bay Company as well as a monopoly over all trade in the area known as "Rupert's Land," or nearly half of what is present-day Canada, although until the 1900s of the Company's activities remained confined to more southern and western parts of the continent " (Nicol and Chater 2021; Zellen 2020). By the late 20th century, a new form of modern land treaties had emerged in Canada, based on federal recognition of comprehensive native land claims (Bone 2016; Zellen 2008). The arrangements reflected new understandings of rights, governance, and indeed, sovereignty itself. Of these, two of these land accords were particularly important. First was the Alaskan Native Claims Settlement Act (ANCSA) in 1971, which transferred 44 million acres of Alaskan land (nearly 12% of Alaska) to be held by Alaska Native shareholders through regional and village corporations gaining 'corporate' ownership (Nicol and Chater 2021, Zellen 2008). This unprecedented land claim settlement set the stage for events to follow in the Canadian North,-serving as a model of possibility for the transfer of title from the state back to Indigenous peoples, facilitating the settlement of Indigenous claims across the region.

Another significant event came shortly after the end of World War II when the United Nations concerned itself with development of human rights to the point of passing the Universal Declaration of Human Rights in 1948 (Eide 2009). While a significant development, the UDHR and subsequent instruments and conventions, did not endorse cultural rights in a way consistent with self-determination for Indigenous Peoples. The subsequent United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP 2007) engaged with the concept of sovereignty in new ways, re-introducing Indigenous conceptions of sovereignty to the community of 'Westphalian' nation-states. While the right for Indigenous Peoples to a protected collective identity was not defined in the UN Convention on Human Rights, it is by the UNDRIP. The limitations of the UN Declaration on Human Rights in the area of collectivity and indigeneity spurred further discussions that specifically addressed the situation of Indigenous Peoples. In 2007, UNDRIP was passed by the UN General Assembly, and its principles of recognition of Indigenous status and corresponding rights to consultation over territory, culture and autonomy were enshrined within declaratory international law (see for example, UNDRIP, Articles 3 through 18) (Nicol 2016). More than a minority rights or individual human rights declaration, the UNDRIP enshrines the collective unalienable rights of Indigenous Peoples, challenging over three centuries of normative practices of states and indeed, many of the customary practices of international law since 1648 (Nicol 2010; Normand and Zaidi 2008).

Articles 25-28, for example, speak explicitly to Indigenous self-determination over land and how resources must be accommodated by the state. For example, Article 26 of the UNDRIP states that:

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous Peoples concerned (UNDRIP 2007).

In the years since the UNDRIP was passed, Indigenous Peoples Organizations such as the Inuit Circumpolar Council (ICC), have successfully used the UNDRIP to frame their claims. The ICC states that "[o]ur rights as an indigenous people include the following rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), all of which are relevant to sovereignty and sovereign rights in the Arctic… (ICC 2009, Point 1.4)."

While an important and innovative agreement, however, UNDRIP has its limits. Most importantly, as noted by Cambou (2019), Article 3 "unambiguously stipulates that indigenous peoples, treated as a group of peoples rather than individual citizens, have the collective right to exercise the right to self-determination", and does not "stipulate any limitation for its exercise". Nonetheless, Indigenous Peoples' right to self-determination is not absolute or unqualified. Instead, Article 46 indicates that: "self-determination should be exercised in respect to the territorial integrity or political unity of sovereign and independent states" meaning that the UNDRIP does not recognize the right of Indigenous Peoples to create new states. For Cambou, this is a means of "dissociating the right of indigenous peoples from an end-state approach, as asserted during the decolonization period".

4. SOVEREIGNTY RECONCEPTUALIZED IN ARCTIC NORTH AMERICA: EVOLVING BEYOND THE UNITARY WESTPHALIAN STATE INTO STATE-TRIBE SOVEREIGN PARTNERSHIPS

Can we still call such arrangements "liberal", and is decolonization consistent within a framework of liberal views of state sovereignty? With reference to the preceding, until very recently, discussion about sovereignty in the Canadian and American North was largely focused upon defense and territory. It was a story that focused upon the state, while sidelining Indigenous Peoples (Bauder et al 2021). Fears of Russian transgression, maritime boundaries and control of the Northwest Passage dominated the narrative, marginalizing the larger issue about longstanding control over, and use of coastal waters by Indigenous Peoples. In other words, traditional security and sovereignty concerns prevailed. But these understandings are changing over time. Indigenous peoples Organizations, such as the Inuit Circumpolar Council (ICC), have drawn up the UNDRIP to frame their claims, make headway into international fora. Inuit populations have sought to entrench not just the right to self-determination and collective rights, but their right to be seen as legitimate international actors within international decision-making. The ICC's Circumpolar Inuit Declaration of Sovereignty, for example, evoked the UNDRIP as the most important instrument in securing their absolute right to be directly inclusion in Arctic sovereignty deliberations (Nicol 2010, 2017). For ICC: "[o]ur rights as an indigenous people include the following rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), all of which are relevant to sovereignty and sovereign rights in the Arctic…" (ICC 2009, Point 1.4). Indeed, climate change has created the specter of new forms of security threat, and in doing so new forms of understanding challenges to what sovereignty is and what sovereignty "does". It has created more flexibility in understanding who holds sovereignty and how it is maintained.

Simply put, if sovereignty in Canada and the US has been exclusively defined by the interests of unitary federal states in the past, this is now changing, slowly and surely at first, and in more recent years with greater momentum, with the interests of Indigenous Peoples gaining widespread constitutional, judicial and executive recognition, and thereby becoming increasingly incorporated into conceptions of the national interest. Past issues of Arctic sovereignty were resolved by treaty and border installations, and in contemporary times by bilateral agreements and policy statements. Referencing state borders, protecting Arctic sovereignty has been an important pillar of numerous strategies and policy frameworks throughout the late 20th and early 21st centuries (Grant 2009; Zellen 2015). It has been both at the core of defense decision-making and bilateral treaties with the US, and serves as the basis for actions taken under the auspices of the United Nations Convention on the Law of the Sea. For example. In Canada, most sovereignty concerns have been in relation to US use, or potential unauthorized use of Canadian maritime and land territory as well as centered upon Russian activities which are perceived as increasingly aggressive and increasingly coming too close for comfort in Canada's Arctic region (Huebert 2019). Similarly, much activity has taken place to map Canada's coastal waters, in order to make scientifically-supported claims to an extensive continental shelf in the Arctic Ocean.

Sovereignty has also been a concern for US defense in the region—although not in the same way. US sovereignty concerns are focused on maintaining a context in which the US sovereignty is not constrained by international agreements, binding treaties or security arrangements (Nicol and Chater 2021; Zellen 2015).

Only recently has there been a shift in emphasis, aligned with the recognition of new non-conventional security threats in the region (Kee 2019). This has refocused attention on communities, civil society and transnational co-operation, as climate change transforms regional landscapes, maritime conditions and safety assessments. This has been accompanied by a new understanding of security focused on civil society and what has been called its 'human dimension' (Nicol 2020). There is a corresponding shift away from exclusively state-centered narratives of sovereignty and its parallel concern—military security and defence. Instead, communities and infrastructure are seen as demanding more protection within an Arctic that is rapidly changing due to climate instability, melting permafrost, and other unconventional changes. There is a new focus on Indigenous knowledge, particularly in relationship to this dynamic, and a new respect for Indigenous communities and their traditions.

In doing so, contrasts have been made between the general Westphalian idea of sovereignty, with the way in which sovereignty is understood from the perspective of Indigenous organizations and their ambitions (Bauder 2021, Inuit Qaujisarvingat 2013) and from the perspective of broad human security concerns that orient the place of 'sovereignty' in the hierarchy of state imperatives (see Hoogensen Gjørv Hoogensen, Lanteigne and Sam-Aggrey 2020).

We have thus far explored the definition and evolution of sovereignty from the point of view of the state and state organizations. But articulating the concept of sovereignty in relation to Indigenous precepts is foundational to understanding the shape of new norms. For Bauder et al. (2021) the Westphalian sovereignty represents a Eurocentric understanding of sovereignty as being "control over bounded territory" that was unfamiliar to Indigenous peoples. Indigenous sovereignty has been defined both in relation to the international state system (UN) through the work of Indigenous Peoples Organizations, as well as at the state level through non-state Indigenous actors, as reflected in land claims, constitutional texts and other arrangements. It has also been defined by Indigenous peoples and Organizations for themselves and for the purpose of advancement of self-determination. In the US, Indigenous sovereignty rests upon idea that Indigenous Peoples are sovereign nations, although sovereignty in practices remains unevenly applied (Wiessner 2008). In theory, in the US, tribes are seen as sovereign over their own territories, including the right to self- governance, policing, health, education, resource development, infrastructure development and a host of other activities often associated with municipal, state or even federal governments (see Kalt and Singer 2004).

In practice, however, the landscape is uneven. Kimmel argues that sovereignty has been diminished in Alaska since the advent of the 1971 Alaskan Native Claims Settlement Act (ANCSA). Here, the inherent sovereign status of Indigenous Peoples does not, however, translate into total autonomy, since Alaskan tribes have no land base over which they can assert sovereign authority (Kimmel 2009, p. 2). Nor does it translate into comprehensive land claims with rights to land and resources. There are over 500 Indigenous nations or tribes in the US, almost half in Alaska where 12 corporations and 200 incorporate villages manage development and funding (Nicol and Chater 2021). The problem is, however, that "[d]espite tremendous economic gains made by Alaska Native owned for-profit corporations, the loss of local control over critical lands and resources has destabilized local governance and impeded resiliency in indigenous communities living on the edge of a dramatically changing environment" (Kimmell 2009, pp. 2-3). Indeed, unlike elsewhere in the US, Alaska tribes have limited ability to assert inherent sovereign powers compared to other in the lower 48. Land claims were instead settled in ways that had profound consequences for the ability of tribal governments in Alaska to exercise their potential rights of self-determination (Kimmel 2009, p. 6).

In the Canadian North, the notion of Indigenous sovereignty is somewhat different—both in terms of the way in which it is understood and the way in which it is implemented through land claims and the reserve system. In the Canadian reserve system, established in the 19th century, Indigenous Peoples could not own their title to land. Instead, reserves lands were allocated to Indigenous groups and governed by the Indian Act, held in trust by the Crown. In recent years, however, the establishment of modern land claims in Northern Canada has begun to change this relationship, incorporating various different forms of self-governance that - in some cases - include the right to resources and consultation about development on Indigenous land. In this case, the concept of sovereignty has taken on various meanings, some cultural and related to access to land and traditional activities, and some political—related to political power and influence. Indigenous peoples make claim to the legitimacy of Indigenous governance structures within specific comprehensive land claims agreements and within co-management structures, via the force of their own agency and their cultural and traditional rights. In this way the doctrine of discovery and its corollary, terra nullius thus loses it historical agency and its monopoly over 'sovereignty'.

Among the new governance structures rooted in state recognition of Indigenous self-determination and a layered re-assessment of sovereignty that includes the restoration of autonomy over traditional Indigenous territories are the various co-management and self-governance bodies created across the Canadian North what some have called the "age of Arctic land claims" (Zellen 2008, 2010b)—from the James Bay and Northern Quebec Agreement of 1975 (augmented in 1978 by the Northeastern Quebec Agreement when the Naskapi joined the treaty) to the Inuvialuit Western Arctic land claims of 1984 (whose terms were agreed to with Ottawa in their 1978 Agreement-in-Principle), and on to 1993 Nunavut land claims (with its plebiscite-approved historic 1999 partitioning of the Northwest Territories from a multiethnic territory into a predominantly Inuit eastern territory corresponding to the settlement area of the Nunavut land claim), and on to the Labrador Inuit (Nunatsiavut) Land Claim of 2005. Each of these land claim accords pioneered new governing structures and expanded the powers of Indigenous claimants beyond the achievements of prior treaties, incrementally strengthening the foundations of Indigenous self-reliance and self-governance across the North with the federal government's support.

Once land claims became a predominant fixture in the political geography of the Canadian Arctic, they transformed from a rapid program of economic modernization and integration driven by time-sensitive energy development projects as originally conceived with the first of the Arctic claim settlements, the 1971 Alaska Native Claims Settlement Act (ANCSA), into an innovative program of mutual recognition by Indigenous Peoples and the state, strengthening the sovereign fabric of the both the U.S. and Canadian States in their northern, lightly settled, and largely undefended territories through the Indigenous consent to federal constitutional rule. In this transformation, achieved in part through bilateral (state-tribe) negotiation, legislative action, executive will, and judicial review, sovereignty evolved beyond the Westphalian conception into something that can be understood as post-Westphalian (Shadian 2010).

A slightly different relationship and understanding of sovereignty and rights is reflected in the U.S. Arctic. In contrast to the Canadian model, the Alaskan model articulated by ANCSA defined Indigenous sovereignty more transactionally, through its institutional emphasis of corporate structures, much closer to Hansen and Steppurtut's assertion that "control over territory and bodies that marked the nation-state model of sovereignty is now supplemented by a powerful drive to control the 'legal contract'—the modern-day concession that empowers private companies to carry out state function" (Hansen and Steppurtut, p. 30). As such it is less invested, although not entirely so, in understanding sovereignty as involving territorial rights, and less cognizant of the importance of land as part of cultural rights. What ANCSA omitted in cultural rights was offset to some degree by the Alaska National Interest Land Conservation Act (ANILCA) of 1980, which re-introduced federal protections for, and recognition of, Native subsistence rights, but without diminishing the institutional power ANCSA established for the Alaska Native Corporations (ANCs), and without the full institutional balancing achieved by the Canadian land claim model that more successfully counterbalanced the institutional power of the native corporations with cultural protections and effective co-management of lands and resources. (Zellen 2008, 2010a) Nonetheless, in Northern Canada, sovereignty is considered to be formally transferred to the state upon 'alienation' of traditional territories, or the establishment of land claims where rights to use are negotiated, with the state gaining uncontested title to the vast majority of the land base (some 90%), and natives gaining fee simple title to the remaining 10%, along with increasing regional autonomy (subordinated to federal constitutional authority) over the entirety of their traditional homeland—called by some "nested federalism" (Wilson, Alcantara and Rodon 2020) and by others as a "sovereign duality" (Zellen 2008).

There are, therefore, mixed messages. On one level, sovereignty remains defined in state-centered ways. It would seem that despite the inroads, within the Nunavut settlement area (NCLA), the Inuvialuit settlement area, or indeed, any other claim, authority is still maintained in ways that reify colonial understandings of power, legitimacy and territory. The transfer of 'sovereignty'' from Indigenous Peoples to state oversight, although part and parcel of processes that enable self-governance, can be mustered as support for state-centered activities. In doing so, they imply the support of Indigenous groups for national interest, as well as a desire for embeddedness in state hierarchies of power and interest. Indigenous self-determination, in other words, is increasingly 'adjusted' to ensure a utility value and compliance to state-based purposes and to support state territorial claim.

Indeed, Alfred and Corntassel (2005, 603) remind us that contemporary forms of governance attempt to "confine the expression of Indigenous peoples' right of self-determination to a set of domestic authorities operating within the constitutional framework of the state (as opposed to the right of having and autonomous and global standing) and actively seek to sever Indigenous links to their ancestral homelands". Nadasdy (2012, p. 503) agrees, and also argues that in the Canadian Yukon, land claims and other self-government agreements" "are not simply formalizing jurisdictional boundaries among pre-existing First Nation polities; they are mechanisms for creating the legal and administrative systems that bring those polities into being". This means that these agreements are "conceived and written" in "the language of state sovereignty" as well as being "premised on the assumption that First Nation governments must be discrete politico-territorial entities if they are to qualify as governments at all". In the case of the Yukon agreements, for example, these documents do grant Indigenous groups some very real powers of governance, but that "those powers come in the peculiarly territorial currency of the modern state" (Ibid.). This territorial currency thus transforms First Nations society, and in doing so sees " the emergence among Yukon First Nation peoples of multiple ethno-territorial identities and corresponding nationalist sentiments".

A similar case is the way in which Canada's Inuit populations have been positioned vis-à-vis the rhetorical struggle for the 'internal waters status' of the Northwest Passage. Canada's historic claim to the continental shelf rests upon Inuit claim historic use, sovereignty to control over these offshore waters having been transferred to the Canadian state in the Nunavut land claims negotiations (Fenge 2008). Indeed, Byers

(2009) argues that Inuit historic use of the Arctic Ocean (generally frozen and used much as land) gives legitimacy to Canada's claim that the Northwest Passage are internal waters because they have been used for centuries by Canadian citizens - Inuit are Canadian citizens, their sovereignty is exerted with respect to the Canadian state itself. Along these same lines, Fenge has argued that "the Government of Canada [does not] yet appreciate the opportunity to use the 1993 Nunavut Land Claims Agreement (NLCA) — the only modern treaty to specifically mention Arctic sovereignty — to bolster Canada's Arctic sovereignty" (Fenge 2008, p. 85). Indeed, Fenge (2008) argues that the Nunavut (NCLA) land claim treaty is a watershed in the recognition of Inuit rights to land and sea, and is inherently synchronic with Canada's larger state-based claim to sovereignty in the North, although to date the "obvious sovereignty supporting provisions of the agreement remain unimplemented" (Ibid., p. 87). However, for Fenge and Byers, the issue was that while the NCLA includes articles "that support Canada's Arctic sovereignty" the government itself "effectively ignores or perhaps even forfeits the opportunity to use the agreement for sovereignty support purposes" (Fenge 2009, p. 88).

The relationship between Inuit use and Canadian appropriation of sovereign has not remained uncontested. Since 2015, challenge has been put to the notion that the state can appropriate Indigenous sovereignty for its own territorial claims, coming from Inuit legal and political leadership (Campbell 2015; P. Hutchins et al. 2016). Some Inuit legal advisors suggest that recognition of Inuit historic use means Inuit involvement in negotiation of new territorial limits within the Arctic Ocean in regard to Canada's claim to the continental shelf. To date, however, any substantive involvement in international legal for a is lacking, and the role of state is indeed pre-eminent.

5. INTERNATIONAL AND TRANSNATIONAL DIMENSIONS OF ARCTIC SOVEREIGNTY

We have thus far focused on the idea that sovereignty is a state-centered process. But Indigenous Peoples themselves have different understandings and definitions of sovereignty—both in relation to their own cultural lexicon and that of international relations. For example, in 2009, the Inuit Circumpolar Council (ICC) representing Inuit from across four Arctic nation-states issued a strongly worded declaration on Arctic sovereignty. This was in response to their exclusion from a series of meetings among five coastal Arctic states that culminated in the 2008 Ilulissat Declaration reaffirming the primacy of the United Nations Convention on the Law of the Sea (UNCLOS), and thereby reinforcing the unitary nature of Westphalian state sovereignty over their terrestrial and maritime territories. Referencing the UNDRIP and other similar documents, the ICC response noted that the Ilulissat Declaration on Arctic sovereignty was made by "ministers representing the five coastal Arctic states who *did not go far enough in affirming the rights Inuit have gained through international law, land claims, and self-government processes*" [emphasis added by authors]. Moreover, the ICC noted that: "international relations in the Arctic and the resolution of international disputes in the Arctic are not the sole preserve of Arctic states or other states; they are also within the purview of the Arctic's Indigenous peoples. The development of international institutions in the Arctic, such as multi-level governance systems and Indigenous Peoples' organizations, must transcend Arctic states' agendas on sovereignty and sovereign rights and the traditional monopoly claimed by states in the area of foreign affairs" (ICC 2009).

The ICC's sovereignty declaration cited the newly minted UNDRIP as a document which afforded legal and well as moral authority for the inclusion of Indigenous Peoples in international deliberations as counterparts to and partners of sovereign states wielding their own distinct Indigenous sovereignty over their homelands, located either within or across Westphalian state boundaries, and thus challenging the unitary nature of state sovereignty as encoded in other international accords like UNCLOS rooted in the Westphalian tradition of unitary sovereignty This even though Canada at that time had at that time declined to sign or ratify UNDRIP, joining the United States and a small handful of other states reluctant to recognize the endurance of Indigenous sovereignty in the modern world,. Indeed, in advocating international consultation between Indigenous Peoples and Arctic states, the ICC forcefully argued for self-determination over their land and resources, as implicit in Articles 25 to 28 of the UNDRIP.

Yet the ICC wrote to the international community, rather than the Canadian state and the other sovereign states whose boundaries include the Inuit homeland (Russia, the USA and Denmark/Greenland), suggesting that, as Hough (2013) suggests, Inuit have often sought to have sovereignty translate externally rather than remain internally defined. This is consistent with position as a transnational organization representing peoples whose traditional homelands transcend modern state boundaries (Shadian 2010; Zellen 2017)– one representative of a people rather than a political jurisdiction. It is also with the perspective of Inuit more generally as they pressure Canada to expand the role of Inuit agency in negotiations regarding the delimitation of Canada's continental shelf in the Arctic Ocean (Campbell 2015). In fact, Inuit in Canada have been notably successful in making a case for inclusion in negotiating international agreements, extending their influence beyond the national level where they have achieved representation in Parliament, as Cabinet Ministers, and even as Governor General, to include positions as Ambassadors as well, indicating that in Canada, Inuit sovereignty and Canadian sovereignty have become intertwined (Fenge 2008; Zellen 2009). Campbell (2015) writes: "In entering treaties with Inuit, Canada recognized that Inuit had rights to the Arctic lands and waters covered by the treaties." In addition to treaty rights, a number of international declarations and agreements increasingly provide support for Indigenous claims to self-governance and rights to territory and resources, such as the UNDRIP, discussed above (Dorough 2019; Campbell 2015). The Circumpolar Inuit Declaration on Sovereignty in the Arctic acknowledges that sovereignty and sovereign rights in the Arctic "have become inextricably linked to issues of self-determination in the Arctic. Inuit and Arctic states must, therefore, work together closely and constructively to chart the future of the Arctic" (ICC 2009).

6. DISCUSSION

The claim has been made that in today's context, sovereignty can be best understood as (Hansen and Stepputat 2006, p. 297), a precept that rejects "an ontological ground of power and order, expressed in law or in enduring ideas of legitimate rule, in favor of a view of sovereignty as a tentative and always emergent form of authority". Our discussion of the emergence of forms Indigenous self-governance nested in regional and federal frameworks of devolution can be best understood in this light. Although Blom Hansen and Steppurtut focus on modern corporations as 'instigators' of modern forms of sovereignty, we should not dismiss the role of an emerging rights and cultural rights narrative and parallel structures of territorial self-determination, such as those embedded in modern land claim arrangements like Nunavut. A growing legitimacy of Indigenous rights unpacks what Agnew (2003) has termed "the territorial trap", if only "because the nation-state is no longer the privileged locus of sovereignty…sovereignties are found in multiple and layered forms around the world" (Hansen and Steppurtut 2006, p. 97). One of these layers is clearly that embodied by Indigenous Peoples.

Cultural rights and Indigenous status matter now in ways previously unimagined. The framing of rights to indigenous land and culture in ways which are both legally compelling and internationally sanctioned, has created a space for contestation and for challenging state sovereignty. This process has contributed to the creation of a compelling discourse in support of an aspiration to what Lenzerini (2006) might even call building 'parallel sovereignties' to create space for advancement of collective interests through mandatory consultation leading to self-determination.

But a changing definition of security has also contributed to this evolution of sovereignty and its multiplicity. Indeed, the notion that sovereignty constantly threatened, and needing protection has been the *prima fascia* concern of states. Yet this is no longer true in Arctic North America, where existential crises threaten communities in the form of natural disasters, storm surges, permafrost melt, unstable ice conditions, coastal erosion and food insecurity, all leading to the potential implosion of communities. It is not just the expansion of the definition of security to include other types of security than traditional or military security that's important, in other words, but the way in which the notion of traditional security itself has itself changed as a result. It now has multiple meanings and new and non-conventional people, places and situations to secure. Security and sovereignty are thus multi-faceted, and much more complex and layered than previously thought. They support each other and indeed are mutually constitutive.

Overall, the principle of Indigenous sovereignty acknowledges the liberal imperative of state authority, and yet simultaneously transforms it. Fundamental principles of sovereignty embedded in Westphalian ideas of state and nation-state are counterpoised against in other rationalities—including the concept of cultural rights and human security. Canada's experience in laying claim to both the internal waters of the Canadian Northwest Passage, and its recent claim to the continental shelf in the Arctic Ocean are a case in point. In both of these cases Indigenous sovereignty challenges the right of the Canadian state to make such claims without the explicit permission of Inuit peoples, but the state - and the state only is enabled to assert this sovereignty with regard to the broader international community and its norms of international law.

All of this now means that any way it is examined, in the Canadian North sovereignty is a problematic concept when used intentionally to represent an absolute authority. It is now both open-ended, and embedded within, or linked to, other political and societal discourse, and to agreements at different scales—from that of a United Nations global scale to that of Indigenous group rights and cultural traditions. If a "necessary ingredient" of sovereignty is "territoriality" (Philpott 1995), then Indigenous land claims in Canada, combined with more international assertions of a cultural rights discourse such as the UNDRIP, reflect an evolution beyond traditional hierarchies of historic "Westphalians" state sovereignty arrangements and encourage the emergence of new forms.

The principle of Indigenous sovereignty acknowledges the liberal imperative of state authority, and yet simultaneously transforms it. Fundamental principles of sovereignty embedded in Westphalian ideas of state and nation-state are counterpoised against in other rationalities—including concepts of cultural rights, human security and more localized sovereignties. Canada's experience in laying claim to both the internal waters of the Canadian Northwest Passage, and its more recent claim to the extended continental shelf in the Arctic Ocean, are a case in point. In both of these cases Indigenous sovereignty challenges the right of the Canadian state to make such claims without the explicit permission of Inuit peoples. Yet, gaining such permission supports conventional sovereign claims much the way is conventionally associated with the Peace of Westphalia, even if history was more complicated and less immediate in its compliance with what became conflated over time with Westphalian ideals. Meanwhile, land claims treaties in Canada's Arctic along with new understandings of climate change and human security support a reassessment of sovereignty in practice, and an expansion from the Westphalian ideal to a post-Westphalian synthesis of Indigenous and state sovereignties. Can we still call such arrangements "liberal", and is decolonization consistent within a framework of liberal views of state sovereignty? The Inuit experience at the nexus of Indigenous and state sovereignty suggests we can indeed, and that Canada's evolving conception of sovereignty re-introduces tribal sovereignty as a pillar of the new, post-Westphalian order.

Indeed, in April 2022, Ottawa formally recognized the Inuit homeland, *Inuit Nunangat*, as a "distinct region" of Canada defined by its unique culture, geography and historic bilateral relationship between Inuit and the Crown—one that's external to, and historically disconnected from, the experience of First Nations south of the tree line whose sovereign relationship to the Crown has been both defined by and subordinated via the Indian Act. In *Inuit Nunangat*, Ottawa has recommitted to a governing relationship with Inuit based on partnership and consultation; this follows Canada's 2019 Arctic and Northern Policy Framework, which was similarly rooted in collaboration with Indigenous northerners and described by Inuit Circumpolar Council chair Dr. Dalee Sambo Dorough in her speech to the 2019 Arctic Circle Assembly as the "gold standard" of Arctic policy development.

While similar processes are under way across the Indigenous world, whether in the Far North or Global South, the experience in Arctic North America sheds important light on the evolution of sovereignty in both theory and practice as Indigenous values and conceptions are increasingly recognized and embraced by the sovereign states that emerged in their homelands through colonial state expansion (Zellen 2018).

It is in here that we can potentially find new understandings of sovereignty related to the changing weight of state governance and authority as states embrace Indigenous concepts and negotiate new sovereign partnerships with their respective First Peoples, from Baffin Island all the way to the island of Borneo (Zellen 2018). This involves in the Canadian Arctic both co-management traditions and the insertion of Inuit voices in international governance (Zellen, 2009). On the other hand, there is a fine line between appropriation and devolution: while Indigenous arrangements in Northern Canada have thus far seemed to invest a significant degree of cultural sovereignty, this too is as fragile as it is resilient, and in need of ongoing, collaborative efforts between Indigenous peoples and the state to endure.

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Before the Responsibility to Protect: The Humanitarian Intervention in Cuba

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Abstract: Prior to the creation of the United Nations and even prior to Woodrow Wilson's philosophy of intervention, members of Congress called for a humanitarian intervention to aid the people of Cuba as they fought against the violent oppression of the Spanish government. Spurred on by the first-hand accounts of horrifying atrocities, President William McKinley overcame his reluctance and called for the American military to aid the revolutionaries in Cuba. This initial decision marks the beginning of a very different path towards international dominance than the one created by European empires. Unlike their European counterparts, the United States would claim to use its military to protect those fighting for their freedom all over the world due to their longstanding commitment to the liberal ideal of self-determination. While it may appear benevolent, the United States struggled with questions about how a self-governing people could develop and use a large military to overthrow governments as well as whether these actions could be considered imperialism. Looking into this early effort to rid a country of violent oppression by offering military assistance provides a prism through which to view the ongoing struggles of liberalism that informs American foreign policy decision making.

Keywords: American Foreign Policy, American Exceptionalism, Spanish-American War, Cuba, US-Cuban Relations, Democratic Peace Theory

> Those who can win a war well can rarely make a good peace, and those who could make a good peace would never have won the war
> —Winston Churchill (1930).

From the formation of the United States, they have considered themselves at times a City on a Hill and at times an Empire of Liberty. Where one suggests isolating the country to keep out the influence of others, as well as avoiding the temptation to go abroad looking for "Monsters to destroy" (J. Q. Adams 1821) the other suggests a desire to spread the "self-evident" truth "that all men are created equal" in possession of "unalienable rights…." These countervailing ideologies often act with similar force when American leaders have to decide how to react to the efforts of other people or nations attempting to overthrow their oppressors.

On a theoretical level, how can a people who appeal to a universal principle that "all men are created equal" deny their assistance to those who have engaged in the same struggle against tyranny? They have a duty to provide at least an example of a well-functioning free government, if not more. In the eyes of many, the United States started a democratic revolution that would sweep through all of the Americas and hopefully lead to the end of European despotism. As Peter Onuf notes, "The new nation's ascendancy might be realized *in* history…with the United States extending its influence and promoting its interests on the continent, through the hemisphere, and around the world; or it might take place at the "*end* of history" when all nations of the world embraced…liberal democracy…" (Onuf 2015, p. 24). As a consequence, some leaders felt they were compelled to help other nations trying to fulfill this destiny. But what does that assistance entail? Do they merely express their support for the efforts of the rebels? Do they have to act? Do they have to oppose what are likely strong imperial powers and provide assistance? Do they have to provide military assistance? Do they have to do what the French did for the Americans and send military support as well as funds? Once an oppressive regime is removed, do they have to help those rebels establish a new government? Continue to help with governance? For how long? While the size and scope of the US military was not large enough to be very influential until the late 19th century, these questions date back to the beginning of the republic when the United States confronted the French Revolution and the rippling effects it had in the Caribbean.

On a pragmatic level, in the early days of the republic, the United States had to worry about their capacity to survive if they took sides in the ongoing battles for freedom near and far. As a consequence, they were extremely hesitant to even provide diplomatic recognition of independence movement. With the French Revolution, it went even farther. Due to a 1778 Treaty of Alliance with France, they were duty bound to assist the French in the Caribbean. The treaty would have required the United States to stand up against the mighty British navy, once again, which would have been devastating for a country with limited military resources and even more limited funds. As a consequence of these circumstances, George Washington and the members of his administration collectively agreed to disavow the need to protect an ally by declaring neutrality (Burns 2019, pp. 82–88).

In an even more complex circumstance, when slaves overthrew their French masters in what came to be Haiti, Americans showed little sympathy with the freedom fighters. Thomas Jefferson called the fleeing colonists "fugitives" who deserve our "pity and charity" while the "people of colour" who took over threaten to inspire "bloody scenes which our children certainly and possibly ourselves (South of Patowmac) have to wade through, and try to avert them" (Jefferson 1793). Even after the Haitians finally won against the French and declared independence, the US government consistently refused to recognize the new republic diplomatically (Hunt 2009, p. 100)—showing a collective disinterest in the spread of freedom when it was due to a slave revolt.

THE MONROE DOCTRINE AND THE ROOSEVELT COROLLARY

The question of how to react when others seek independence continued to receive attention among American leaders. The famous Monroe Doctrine of 1823 is one of the first examples of the United States asserting *their* capacity to decide what would happen to countries outside their borders. Essentially conveying a message to Europeans that they could not create new colonies or attempt to oppress those "who have declared their independence and maintain it" in the Western Hemisphere. If they attempted any of these actions, Monroe warns, he cannot see it "in any other light than as the manifestation of an unfriendly disposition toward the United States" (Monroe 1823).

This is one of the first examples of the quasi-liberal way Americans have formed foreign policy. In June of 1823, James Monroe wrote to Thomas Jefferson that he wanted "to strike a bolder attitude on liberty's behalf" by forcefully telling European powers to reduce their meddling in countries that clearly wished to throw off the imperial shackles. Monroe included these ideas in his initial draft which not only discussed the Western Hemisphere but also "declared Greece independent from the Ottoman Turks, and recommended sending an American minister to Athens" (James Monroe quoted in Edel 2014, pp. 176–78). As the Secretary of State, John Quincy Adams advised Monroe to tone down the message lest it act as a call to arms against the United States for interfering so forcefully in the internal affairs of other countries. With the caution Adams suggested, the Monroe Doctrine became a clearer statement about European meddling in the internal affairs of countries the United States now considered to be within their sphere of influence (Edel 2014, pp. 177–78). By these means, John Quincy Adams hoped the Monroe administration would display the somewhat paradoxical concept of presenting the "principles of this government, and a brief development of its political system as henceforth to be maintained…and respecting that of others" while simultaneously telling European powers that the United States would deny Spain the ability to restore "dominion on the American Continents or...transfer any portioning…to any other European power" (John Quincy Adams's Diary, November 23, 1823 quoted in Edel 2014, p. 178).

Without realizing it, however, Monroe and Adams displayed the same blindness as leaders like Thomas Jefferson. They were convinced by the benefits of liberal democracy and convinced that nations would choose democracy if given the power of self-determination, just as the United States had. While Adams maintained a concern that those in Spanish America could not actually achieve self-governance, despite many independence movements at the time, others like Henry Clay thought these activities demonstrated the influence of the American example (Gilderhus 2006, p. 6). US leader consistently fail to realize that other people, with the freedom to choose what system to adopt, may choose to adopt a system other than liberal democracy. For that reason, what was intended to be a command to Europeans to avoid suppressing independence movements in the Western Hemisphere morphed into the ideological foundation for the US military to force others to "choose" democracy when they achieved independence.

While some have interpreted the intention as "a projection of power,"[1] as Edel notes, Monroe and Adams intended it to be "a statement of principles, an expectation of future growth, and perhaps most importantly, a simultaneous limitation of activity abroad and an expansion of interest" (Edel 2014, pp. 181–82). According to Gilderhus, it "committed the United States to do very little, except to defend its own basic interests" (Gilderhus 2006, p. 8). This would change, however, as US power grew alongside the size of its military forces.[2] By the late nineteenth century, Secretary of State, Richard Olney, deployed the Monroe Doctrine in a debate with the British over the border between Venezuela and Guiana in 1895 (Gilderhus 2006, p. 10). The successful brokerage of a treaty by United States, presaged the growing interest in projecting power through a large military presence used to dissuade European powers and subsequently the USSR from meddling in the Western Hemisphere. They had begun the process of militarizing the Monroe Doctrine (Smith 2005, p. 59).

This became even more militant in the Spanish-American war of 1898 and eventually resulted in the creation of the Roosevelt Corollary that formalized the desire and intention of Americans to justify *their own* meddling in the internal affairs of various countries. In principle, it was done in the name of helping others to enjoy free government. In practice, however, the US forced others to adopt the kinds of institutions America had created and forced those countries to continue using these institutions even if they did not suit them (Brands 1998, pp. 436–45). In this way, the Monroe Doctrine and its corollary became the ideological foundation for a unique form of imperialism: Americans would engage in empire light. They would remove Europeans and keep other nations under their control while telling themselves they were facilitating the transition to republicanism (Herring 2011).

FROM ISOLATION TO EMPIRE

Prior to becoming a new kind of empire, American leaders had trouble determining how to react to independence movements. In 1850, members of Congress talked about condemning Austria for suppressing Hungarian independence. This condemnation would judge the actions of the Austrians to show solidarity with those who desire self-determination. In response to this desire, Senator Henry Clay claimed if the United State openly condemns these actions, they apply "our notion and judgment of what is right and proper in the administration of human affairs" and assumes "the right of interference in the internal affairs of foreign nations." If that is the case: "Where…are we to stop? Why should we not interfere in [*sic*] behalf of suffering Ireland? Why not interfere in [*sic*] behalf of suffering humanity wherever we may find it?" If the

Senate passes the condemnation of the Austrians, they "open a new field of collision, terminating perhaps in war..."[3]

As the Ottoman empire attempted to maintain control over its holdings despite growing nationalist movements spurred on by European ideas of statehood, the United States took a more hands off approach. As Grover Cleveland noted, the actions of the Turkish in Armenia against Christians "excite[d] concern" but the United States would only focus on protecting the American Christians who "reside in Turkey" and engage in missionary work. He was careful to say that this was not, however, Americans meddling "in the so-called Eastern questions." Even the efforts to obtain information only "arose" out of "our desire to have an accurate knowledge of the conditions…[of] those entitled to our protection" (Cleveland 1895).

Decisions about how to react to world events changed considerably as US military power grew and it watched with alarm as European empires continued to increase their holdings in the late nineteenth century (Moran 2001, p. 140). As Walter LaFeber notes, the Civil War "marked the shift of political power from planters to the industrialists and financiers." This shift was "a prerequisite to the creation of a new commercial empire…" (1967, p. 7).[4] When combined with the growth in the power of the federal government as Burns notes, the resulting institutional structure "was a state with strong institutions capable of competing on the world stage with developed European nations" (Burns 2019, p. 120).

The changing economy required new markets and people started to look to "the vast China market" and "such areas as California and Hawaii to serve as stepping-stones to that market." As Europeans attempted to close off trade to other nations, Americans sought to wrench open ports. To achieve these ends, commercial leaders pressed the government to ensure "that these men had enough foreign markets, even if the State Department had to use force to obtain the markets" (LaFeber 1967, pp. 6, 7, 20). How the government would support the growing commercial interests of leading industrialists became an issue that could be determined by the US military.

When leaders of empires use heavy handed tactics to maintain their power, US policy makers selectively engaged through formal support or censure, humanitarian aid, or in more rare instances weapons or military support. As American power grew, supporting independence movements in other nations or among other people became a means of asserting US interests internationally while appearing benevolent to the American voters. Americans are most likely to intervene aggressively when the complex mixture of norms, interests, and ideals align. What role they want to play; why they want to play that role; and how they would justify that role became an increasingly important issue as the US found itself more capable of enforcing its views on a changing world order.

THE CUBA DEBATE

The alignment of this complex mixture of interests has regularly comes together in the case of Cuba. Since the presidency of Thomas Jefferson, American leaders have contemplated taking over Cuba from the Spanish (Cogliano 2014, p. 245). In 1854, the United States attempted to secretly negotiate annexing Cuba in what is known as the Ostend Manifesto in the hopes of adding another slave state to the union. The authors of the work claimed "Cuba is as necessary to the North American republic as any of its present members" believing that "the great law of self-preservation" justified the United States taking the island by force, if necessary, from the Spanish (quoted in Hendrickson 2009, p. 199). The discovery of the plan led to its defeat in a scandal.

Soon after the American Civil War, Cuba descended into its own struggle that was closely watched in the United States. Many sympathized with the long-oppressed people of the island.[5] Despite this sympathy, President Grant decided not to intervene. He explained the US offered to act as a peace-maker but Spain refused this offer and for that reason, the US must "endeavor…to execute the neutrality laws in good faith, no matter how unpleasant the task" (Grant 1869).

Despite this message, or perhaps because of the decision to remain officially neutral, two generals went to assist the cause, only to see it falter as it dragged on and eventually the Spanish brutally quashed that rebellion (Campbell 1976, pp. 53–59). There was a possibility that this same scenario would play out at the end of the nineteenth century, but that did not occur for a few reasons.

In the late nineteenth century, due to the growing economic opportunities on the island, Americans started moving there in droves, becoming a large portion of the island's wealthy population. As this connection increased, so did the number of Cubans going to America in the hopes of drumming up support for their growing revolutionary movement. When the second major rebellion occurred in Cuba in 1895, it set the stage for what culminated in the Spanish-American war. The confluence of events made war nearly inevitable. The United States claimed they had to declare war against Spain due to the "abhorrent conditions which have existed for more than three years in the island of Cuba" that have "shocked the moral sense of the people of the United States" and has "been a disgrace to Christian civilization…." (McKinley 1898a). The humanitarian crisis was not the only reason, however. There was a war fever created by the mysterious circumstances around the sinking of the *USS Maine* in the Havana harbor. There was yellow journalism wiping up sympathy for the plight of the Cubans and castigating the Spanish. Finally, Democrats in Congress tried to use McKinley's inaction to demonstrate his weakness as a leader. All of this pressure, eventually caused McKinley to capitulate and call for war.

Interestingly, though, the United States did *not* take the opportunity to annex Cuba. Having declared war against Spain in order to address the humanitarian crisis in Cuba, the United States takes a peculiar turn, unlike those taken by many imperial powers. The United States expressed no "disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification therefor, and asserts its determination when that is accomplished, to leave the government and control of the island to its people" (McKinley 1898b). By this measure, the United States set itself up as the champion of freedom-loving people rather than the greedy young empire looking for new holdings.

Despite their claims to be free and despite their arguably genuine desire to help others enjoy self-governance, this is not how others will necessarily interpret American assistance nor are American actions exclusively benevolent. This is especially problematic when the US asserts that it is acting purely in the interest of "humanity" or the more antiquated term "civilization." For those on the receiving end of American assistance, their efforts to promote human rights and self-governance can look imperial rather than humane, especially when the US military remains and the US retains some sort of control over the territory, acting, ostensibly in the best interests of the people without giving those people a say in the matter. In the case of Cuba, they also imposed restrictions on their foreign policy as well as protecting domestic industries from Cuban competition through the Teller and Platt Amendments.

This was especially problematic at the time when the United States started to see itself and style itself an imperial power on the same level as the European and Asian empires at the turn of the 20th century. It flies in the face of the very nature of a democratic government: how can a free people create an empire and rule over others? And yet, leaders like Henry Cabot Lodge and Theodore Roosevelt saw the United States and the "civilization" they embodied as the highest pinnacle of human development (Thomas 2010, pp. 51–61). Other nations and cultures would be, in their opinion, fortunate to receive the guidance and assistance of the American way of life. These conflicting and confusing elements of US foreign policy came together in the activities of the US government towards the Spanish in Cuba at the end of the nineteenth century.

US POSTURE TOWARDS OTHER COUNTRIES/CULTURES

When examining how the United States reacts to the efforts of rebels to overthrow a government, there are a spectrum of responses when events in the rest of the world rise to national attention. Americans range from supporting the traditional government against the rebelling party or at the other end of the spectrum they condemn the government and support the rebels against their "oppressors." The American reaction can then range from a comment in support of either side while remaining officially neutral to a full-scale military intervention in favor of either side. Finally, the reaction can be caused by liberal concerns, stemming from a desire for a more open, globally integrated world where connections among people reduce the likelihood of hot conflicts.

This is connected to the broader liberal project and defines liberalism associated with the ideals listed in the U.N. Charter. It states that in order to "save succeeding generations from the scourge of war…and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties…can be maintained, and to promote social progress and better standards of life in larger freedom" occasionally the broader global community must act. If the global community determines it must act, it must do so "in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples" (United Nations 1945, Preamble). By this reading of military intervention, it *cannot* be used for national gain, however, if there happens to be a positive result for a given nation—beyond peace and stability—that does intervene, they are not precluded from intervening.

Alternatively, on the other end of the spectrum from a liberal world order, the ethno-nationalist interests of the United States can cause policy makers to react in the ways stated above. This element, referred to as Ascriptive Americanism by Rogers Smith relates to the unique qualities associated with those who have traditionally held power in the country. Unlike the "comparative moral, material, and political egalitarianism that prevailed at the founding" the "ascriptive systems of unequal status" developed over time due to the pervasive and consistent capacity of white Anglo-Saxon men to maintain control of the political and economic levers of power. As Smith explains, these are not "merely emotional prejudices or "attitudes."" Over time, American intellectual and political elites elaborated distinctive justifications for these ascriptive systems, including inegalitarian scriptural readings, the scientific racism of the "American school" of ethnology, racial and sexual Darwinism, and the romantic cult of Anglo-Saxonism in American historiography." This element of the American psyche better explains the course of U.S. history than a merely liberal explanation. Many "accounts fail to explain how and why liberalizing efforts have frequently lost to forces favoring new forms of racial and gender hierarchy." Domestically, according to Smith, these forces "sometimes negated major liberal victories…" (Smith 1993, pp. 549, 550).

These ideas have a similar impact on foreign policy decision making, causing it to have an illiberal or ascriptive American rationale. Especially when determining whether to integrate a new community into the United States, policy makers take the Christian Anglo-Saxon roots of the country seriously. This goes as far back as John Winthrop, the colonial governor of Massachusetts who claimed they could close the door to immigrants—even devout Christians—in order to ensure the success of the colony. In Smith's telling, Winthrop argued that they had to select immigrants based on them sharing the same principles which went above and beyond sharing a religion (Smith 2015, p. 149).

Whether to integrate new territory into the social contract would therefore be a fraught argument related to what John Jay calls a "band of brethren" in *The Federalist Papers.* As Smith notes, "this was a vision of peoplehood that could make demands for women's rights, rights for racial, ethnic, and national minorities, and linguistic, religious, and cultural rights all appear immorally divisive" (Smith 2015, p. 154). As a consequence of these competing visions of the United States, the rationale for policy choices can be a mixture of the two elements both liberal and illiberal/ethno-national and it is possible that an intervention can occur with one end of the spectrum in mind, only to achieve the opposite or a combination. The following section will demonstrate that the US is most likely to intervene with a large force to engage in regime change when there is a combination of liberal and illiberal reasons as well as security concerns.

THE HUMANITARIAN CRISIS: A LIBERAL JUSTIFICATION FOR INTERVENTION IN CUBA

As early as June of 1897, McKinley had good information that there was a serious humanitarian crisis in Cuba. While he had seen newspapers reporting on the atrocities for a while, McKinley worried that yellow journalism had overblown the nature of the problem (Thomas 2010, pp. 159–61). He appointed his friend William J. Calhoun as special counsel to the US Consul in Cuba, to investigate the state of affairs. According to Calhoun, the country outside of Spanish controlled cities was "practically depopulated. Every house had been burned, banana trees cut down, cane fields swept with fire, and everything in the shape of food destroyed." There was not "a house, man, woman or child, a horse, mule, or cow, nor even a dog." He goes on to say "I did not see a sign of life…the country was wrapped in the stillness of death and the silence of desolation" (quoted in Reynolds 2009, p. 293). Calhoun recommended war with Spain. Despite this fact, McKinley hesitated (Campbell 1976, p. 253).

There were a few practical concerns. The US military, in McKinley's opinion, was not ready to engage in a large-scale battle. He also questioned whether the Cuban rebels possessed "the essential qualifications of sovereignty" that they would have to have for the United States to credibly recognize an independent government. Even the possibility of recognizing the rebels as belligerents appeared hasty to him in December of 1897. If he recognized the insurgents as belligerents, that was normally done through a letter expressing neutrality, making the United States unable to provide any kind of aid or intervene in any way. As he saw it, by the standards of international law, if he recognized the two warring sides, he would have to do so in a message pronouncing US neutrality (McKinley 1897). The veracity of this claim is disputable, however, given how strongly McKinley fought against initiating a military operation.

Finally, a new government had taken power in Spain and promised to free all of the Americans currently held in jail for allegedly aiding rebels as well as ending the reconcentrado policy. Freeing Americans significantly decreased the justification for a military intervention on behalf of Americans held in foreign jails (McKinley 1897). Ending the reconcentrado policy would go a long way to removing the humanitarian objection to Spanish conduct. The conditions of these camps were bone chilling. As Senator William Frye noted from his own trip to Cuba:

> It is not within the narrow limits of my vocabulary to portray it. I went to Cuba with a strong conviction that the picture had been overdrawn…I could not believe that out of a population of 1,600,000, two hundred thousand had died within these Spanish forts, practically prison walls….I saw it when 400 women and children were lying on the floors in an indescribably state of emaciation and disease, many with the scantiest covering of rags—and such rags!—sick children, naked as they came into the world; and the conditions in the other cities are even worse (Frye 1898, p. 2917).

Despite these conditions, McKinley still hesitated to intervene on humanitarian grounds. In his annual address to Congress in December of 1897, he said "It is honestly due to Spain and to our friendly relations with Spain that she should be given a reasonable chance to realize her expectations and to prove the asserted efficacy of the new order of things to which she stands irrevocably committed." He goes on to say that no American is currently jailed and it has yet to be determined if the conflict can end in a "righteous peace" that is just for both the Spanish and the Cubans and "equitable to all our interests so intimately involved in the welfare of Cuba." He had even reached out to the Spanish and Cubans about negotiating a peace. Spain refused and McKinley told them the United States could only wait so long "for the mother country to establish its authority and restore peace and order" on the island. To press the point, he claimed "we could not contemplate an indefinite period for the accomplishment of this result" (McKinley 1897).

In the same message, he said if Spain failed to follow through on these promises, he saw the need for action but again, he hedged. He wanted to be confident he had exhausted every other option. He claimed, if it is "a duty imposed by our obligations to ourselves, to civilization and humanity to intervene with force" he would do so but only after "the necessity for such action will be so clear as to command the support and approval of the civilized world" (McKinley 1897). This concept comes out of the Kantian tradition of liberalism that requires countries to ignore sovereignty if a military commits atrocities against civilians (Doyle 1983).

While many claimed the humanitarian crisis justified US intervention, McKinley remained reluctant to act. As a Civil War veteran, he did not want to cause "human suffering…[to] come into thousands of homes" (quoted in Olcott 2017, p. 400). He kept the United States neutral in the conflict for many more months. When events conspired to require him to act, it is clear that one of the main reasons related to the humanitarian crisis that existed on the island. As he claimed in his war message in April of 1898, he had already gone to great lengths to relieve the suffering. He had established the Central Cuban relief committee to collect funds to distribute to those who were suffering from the reconcentrado policies. They organized humanitarian aid, starting in December 1897, and they raised over $200,000. The Red Cross had penetrated into the interior where it was previously confined to larger cities, like Havana, to distribute aid. This has saved "thousands of lives." As he notes, this is "friendly intervention" in the name of attempting to "exer[t]… a potential influence toward an ultimate pacific result, just and honorable to all interests concerned." These actions were undertaken by an "unselfish desire for peace and prosperity in Cuba" (McKinley 1898a).

We see in this language one of the earliest examples of the United States claiming it had a moral obligation to use its military to stop a humanitarian crisis. As US power grew, the calls for larger and more involved operations would overcome the voices favoring isolation or those like Henry Clay who claim the US cannot tell others how to live based on their own standards. I would argue this understanding of America's role in the world reaches all the way back to the founding if not further. For the first 100 years of its existence, it had to compete against fears that the size and scope of the republic would cause corruption at home as well as isolationist voices. While it would take two world wars to completely sideline the isolationist, the United States emerged from WWII as a power capable and willing to project its military all over the world. America became especially aggressive with humanitarian intervention after the fall of the Soviet Union in the 1990s while maintaining that they were using their military selflessly to provide aid. As Richard Maass notes, "when the Senate Foreign Relations Committee finally issued its report calling for U.S. intervention in Cuba, it presaged the twenty-first-century doctrine known as the Responsibility to Protect, proclaiming that "the state which thus perverts and abuses its power thereby forfeits its sovereignty…"" (quoted in Maass 2020, p. 177). McKinley goes on to justify these actions on "rational grounds" as well as "historical precedents" of "neighboring states" to "interfer[e] to check the hopeless sacrifices of life by internecine conflicts beyond their borders"(McKinley 1898a). By April of 1898, he deemed it necessary to intervene, but he is very careful to explain that he took this action reluctantly.

According to McKinley, by April the United States has to intervene because "the war in Cuba is of such a nature that, short of subjugation or extermination, a final military victory for either side seems impracticable." It is likely one side will succumb to "physical exhaustion" which is how the last war ended. That time it took 10 years and with prevaricating language, McKinley says that result is "hardly to be contemplated with equanimity by the civilized world, and least of all by the United States." It has to intervene to "put an end to the barbarities, bloodshed, starvation, and horrible miseries now existing there, and which the parties to the conflict are either unable or unwilling to stop or mitigate." Due to actions of the Spanish, by "conservative estimates…the mortality among the reconcentradoes from starvation and the diseases thereto incident exceeded 50 percent of their total number." This is not "civilized warfare; it was extermination" (McKinley 1898a). We see that while there are humanitarian reasons and a genuine and legitimate effort to address these issues in the name of humanity, these are not the only reasons associated with the US intervention.

PROTECTING AMERICANS AND THEIR PROPERTY ABROAD: A QUASI-LIBERAL JUSTIFICATION FOR MILITARY INTERVENTION

He provides four reasons for the necessity of intervention, the first was discussed above, the other three are more related to the protection of Americans and the expense to the American government due to the civil war in Cuba. His language hints at ethno-nationalism when he says the United States is "affected and injured…deeply and intimately, by [the war's] very existence." American citizens in Cuba cannot achieve the protection for their person or property from the government; there is serious impediments to American efforts to engage in commerce on the island due to the “wanton destruction of property;” the “present condition” on the island is a “menace to” US “peace and entails upon this Government enormous expense” due to the requirement to keep a “semi war footing” despite the de jure state of peace between the two nations. He even uses the destruction of the *USS Maine* as an example that the Spanish were unable to ensure the safety of the American navy in Cuba, despite the mysterious circumstances around its destruction. As Campbell notes, the United States never received a satisfactory answer to what actually happened.[6]

It’s certainly reasonable for a government to suggest they can and should protect their people and their property abroad. This is rooted in part in a liberal understanding of the right to self-defense. The *USS Maine* was originally sent to Havana in order to have marines available to protect Americans and their property from the rioting that occurred in the cities due to the reconcentrado policy(Reynolds 2009, p. 293).

As the people are attacked, even in another nation, they can appeal to their government to use the military to defend them in that foreign nation. At the same time, it is suggesting that in this case, the United States has the right to intervene in the internal affairs of another country in the name of protecting American citizens and their interests. Furthermore, in this instance, they were placing American forces in harm’s way, which increases the possibility of a hot conflict if that leads to the death of members of the military at the hands of another military (as it appeared in the case of the *Maine*). This places the protection of Americans *above* the right of sovereignty which is an important element in international law; and one that the US claimed to respect a few months earlier. As McKinley notes, in his December 1897 address, the United States does not involve itself in the internal affairs of other countries, even though in truth it does so selectively. He goes on to say, the US does reserve the right to protect its commerce and people abroad; Thomas Jefferson initiated this practice during his presidency to protect US merchants from Barbary pirates (Fisher 2013, pp. 32–36). As with many other elements of international law, the United States does not do this uniformly nor does it necessarily use the military to do it. As such, McKinley could have easily argued in April of 1898 that he *had* to respect sovereignty just as he had in December.

McKinley had a further complication in this realm. The war between the Spanish and the Cubans had disrupted American business on the island. As a consequence of the fighting “trade dropped by more than two thirds” leading “import-export houses and shipping firms” to “petitio[n] Washington to pressure Spain to restore peace and Cuban-American trade.” At the same time, some American investors on the island “condemned the Cuban arsonists and looked to the Spanish army for protection.” The business community did not provide a clear message, however. Some “wanted intervention to save and extend their property holdings” (Williams, Bacevich, and Gardner 2009, p. 37); others wanted the US to work with Spain to quell the rebellion (Offner 2004, p. 52).

Further tipping McKinley towards intervention was the broad public support for Cuban independence rather than annexation. Due to the persistent fear of “racial mixing” and the “racially degenerate” state of those in Cuba, policy makers decided to shift their focus from annexation to facilitating independence. They could continue to see their actions as “supposedly benevolent” by connecting the fight for freedom to their own revolutionary desires (Hunt 2009, p. 61). This “reinforced a rapidly growing American perception that Spain should end its unjust and inhumane war and leave the New World” (Offner 2004, p. 52). Much like the business interests, there were illiberal elements to the policy decisions due to the prejudices against the Spanish. As Offner notes, “a common view in the United States was that a cruel, backward, and decadent monarchy ruled Spain…[and] Protestant religious denominations were largely anti-Catholic” (Ibid.). The emphasis on using the US military to achieve this objective is similarly quasi-liberal and quasi-illiberal. As Chris Preble notes, the most important thing to emphasize in a liberal world order is achieving the highest level of freedom using *peaceful* means (Preble 2019). Once the military is involved, we run the risk of unintended consequences, especially the Cubans, in this instance, feeling like the United States is not there to liberate them but instead there to protect US interests, potentially by annexing the island or controlling it in some way. In this instance, the Cubans would have been correct to worry about this element.

THE ETHNO-NATIONAL INTEREST: AN ILLIBERAL JUSTIFICATION FOR INTERVENTION IN CUBA

There were a variety of voices advocating against intervention in the interest of protecting American industries and the arguments took a few different forms of ethno-national interests. Due to the expansion of economic activity in the United States in the late nineteenth century, there had been a series of crippling depressions which caused many to look to the government to protect American industries from foreign competition. As Williams notes, "in the Crisis of the 1890s…they advanced and accepted the argument that continued expansion in the form of overseas economic (and even territorial) empire provided the best, if not the only, way to sustain their freedom and prosperity" (Williams, Bacevich, and Gardner 2009, p. 23). Policy makers still had to answer to their constituents domestically, however. As a result, in 1897, the government once again used protectionist policies, passing the highest and longest lasting tariff in US history: the Dingley Tariff. Initially, it provided a great deal of protection to a variety of American industries before it created ballooning inflation (Fetter 1922, p. 220).

One of these industries was beet sugar. The government placed a high duty on imported sugar, much of which came from Cuba. There were further complications, however, in Cuba's case. There were many Americans living in Cuba working in the sugar industry. As such, they were negatively impacted by both the civil war in Cuba and the tariffs imposed by their home country. McKinley's administration had to balance the interests of these Americans as well but due to his protectionist views and his desire to continue moving the United States out of the most recent depression, he worked with American industries to ensure their stability rather advocating for freer trade.

McKinley also made the claim that the United States had a "uniform policy and practice of...avoid[ing] all interference in the disputes which merely relate to the internal government of other nations," only recognizing a new nation once a "prevailing party" is established "without reference to our particular interests… or to the merits of the original controversy" (McKinley 1898a). This falls on the side of ethno-nationalism because he favors respected sovereignty rather than favoring his responsibilities to the "civilized world" which would call him to intervene in Cuba or the desire for freer trade that would positively benefit a foreign industry over the domestic one.

In a similar vein, he decides to avoid recognizing "the independence of the so-called Cuban Republic" because it could put the United States under "embarrassing conditions of international obligation toward the organization so recognized." He will only recognize a government "capable of performing the duties and discharging the functions of a separate nation" so the government can "promptly and readily recogniz[e]… relations and interests of the United States…" (McKinley 1898a).

This is all hedging language disguises the focus on the ethno-national interests as a respect for international law. McKinley had many strong voices in Congress wanting high tariffs to protect domestic industries, especially those who feared sugar imports coming from Cuba. Senators from Colorado, California, Michigan, and Louisiana stood firmly for high tariffs to protect their agricultural production. Henry M. Teller went so far as to offer an amendment that would bar the annexation of Cuba, lest the integration of the island completely destroy beet sugar production in Colorado (LaFeber 1967, p. 415; Merleaux 2012, p. 35). Had US interests flowed in a different direction, towards aiding Spain or a strong desire to recognize a nation asserting their right to self-determination, McKinley would have simply used different language and respected a different aspect of international law, drawing from a different set of examples to justify that path.

This protectionist path had to contend, however, with the loud and growing expansionist argument coming from those who wanted the United States to copy European empires or at least take a lightly imperial approach in order to further open the world to US interests and US goods. As the European powers found themselves in an unstable position due to growing nationalist movements around the world, they were also increasingly using protectionist policies to maintain their dominance and closing markets to US trade (Reynolds 2009, p. 160). Americans worried that many countries, now open to trade with the US, would suddenly and aggressively close. Some made the case that the United States had to use the military to keep ports open to their trade, especially as they had dramatically increased production over the late 19th century and their goods needed to go to foreign markets (Nugent 2009, pp. 295–99). These arguments combined with the Social Darwinism made popular by Herbert Spencer.

Spencer claimed that we could apply the concept of survival of the fittest in the natural world to the world of human interactions. When applied to foreign policy, that caused many to think that the United States had to either "progress or decay" by "compet[ing] fiercely with other nations." It had to "fight unceasingly for its place in the sun" by "ruthlessly swallow[ing] up weaker lands" (Campbell 1976, p. 147). John Fiske popularized this idea among Americans by claiming the United States was "destined to go on until every land on the earth's surface that is not already the seat of an old civilization shall become English in its language, in its religion, in its political habits and traditions, and to a predominant extent in the blood of its people" (Fiske 1884).

There were vocal advocates for a military effort to enact this policy. Leaders like Theodore Roosevelt and Senator Henry Cabot Lodge as well as the newspaper magnet William Randolph Hearst wanted to see the American "civilization" spread internationally through a concept akin to the empire of liberty but using a level of force that would require other nations and people to submit to the American way (Thomas 2010). As Charles K Adams claimed, the same impulse that led the United States to engage in "repeated annexations [until] we advanced to the Pacific" will cause the US "to advance still further…in accordance with the uninterrupted tendency of the country…" (Adams 1899, p. 46). Along with this civilizing mission would come training from American occupiers until they deemed these nations capable of self-governance. In the case of the Philippines, John Barrett, former American minister to Thailand (then Siam), claimed "The independence of the islands may sound well, but…the natives themselves are not equal to it." Without "supervision" they will descend into a civil war. He made a rather bold assumption that Americans would be greeted as liberators. The insurgents would "drop all agitation for independence" if "the United States [were] to signify the intention of holding the Philippines as a colony" (quoted in Dilke, Barrett, and Lusk 1898, pp. 262–63). Much like the Philippines, these advocates would have preferred either annexing Cuba or at least maintaining more direct control in order to complete this mission but the protectionist wing of both parties won out.

McKinley had to walk a very narrow path due to the very clear and very loud directions Congress and arguably the American people proverbially shouted at him: many wanted industries protected from competition from Cubans; others wanted to see America become a great empire that dominated islands like Cuba. Congress then developed a way to keep Cuba out of the hands of European hands while pleasing the protectionists using the Teller Amendment. The Teller Amendment, added to the Declaration of War against Spain, places limits on US control over Cuba by saying the United States "disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said Island except for the pacification therefore, and asserts its determination, when that is accomplished, to leave the government and control of the Island to its people."[7] We see in this document a desire among some on Congress to ensure the protection of US industries over and above exporting the American "civilization" to Cuba by absorbing it. American protectionists wanted to make clear that the United States was *not* taking possession of a population they viewed as a risk to the dominance of the Anglo-Saxon race in the union. As Offner notes,

> [I]f the United States forced Spain off the island, many people believed that the Cuban insurgents were incapable of governing the island. Some anti-interventionists warned that four centuries of Spanish misrule had not prepared the Cuban people for self-government. The result could be an extended U.S. imperial control of Cuba or even annexation of an island where one third of the people were African descent and nearly all were Catholic (Offner 2004, p. 52).

The desire to keep Cuba within the American sphere of influence without fully integrating it into the American republic came out of the racial concerns of many at the time. There were many who thought the "mixed and mongrel people" of the island of Cuba would be too difficult for the United States to digest and assimilate (Secretary of State James Blaine quoted in Maass 2020, p. 173). They used the language of self-governance while applying the tools of racial control. As Richard Maass notes, many generations of US leaders used policy "to recreate racial hierarchies on the frontier, promoting the Anglo-American domination…." By "refusing to annex populous territories like Quebec and Cuba [they] reinforced those hierarchies within the federal government by preventing its early racial, religious, linguistic, and cultural diversification" (Maass 2020, p. 6).

One may be inclined to see the Teller Amendment as a liberal document due to its recognition of Cuban independence. It was not, however. It was predominantly motivated by the desire to protect domestic industries from Cuban competition as well as avoiding a lengthy and costly American occupation of Cuba. Many of the voices against war did reference the illiberalism of occupying the island of Cuba but there was a much stronger sense that Americans wanted to keep Cuba within its sphere of influence, out of the hands of European influence, but without being directly responsible for it. For that reason, one of the many conditions of US withdrawal from Cuba required that Cuba could *not* sign any treaty forfeiting their independence and the United States would maintain the power to re-occupy the island for any reason they deemed necessary. They did several times during the first half of the twentieth century. In another moment of asserting its quasi-dominance over Cuba, in exchange for US withdrawal from the island, Cuban leaders had to sign the Platt Amendment in 1903.

Walking the tightrope between ensuring that the United States would not have to integrate Cuba into the republic while also ensuring other great powers could not impose their will on Cuba, the Platt Amendment gave the United States a remarkable set of powers over the internal affairs of the island nation. Based on this document, Cuba did not have complete control over its foreign or domestic affairs. They could not "impair or tend to impair" their independence by giving any foreign power control of the island or her ports. If they do anything of the kind "the United States may exercise the right to intervene" to preserve their independence as well as to ensure "the maintenance of a government adequate for the protection of life, property, and individual liberty…." In order to allow the United States to perform these duties the government in Cuba "will sell or lease…lands necessary for coaling or naval stations…."[8]

By these means, the United States enforced a version of aiding those who seek freedom that is in line with the Monroe Doctrine: you can enjoy freedom the way we define it and the way we allow you to enjoy it, using terms that are favorable to our interests. This had the added bonus of convincing Americans that they were genuinely helping others rather than ruling them the way traditional empires did. They created a "self-image as an exceptional nation acting on a higher moral plane than the old empires of Europe" (Maass 2020, p. 7) but they perpetuated the same system of exploitation in the European models.

CONCLUSION

Americans have frequently struggled to understand the desires and interests of peoples from other countries. They frequently mistake their own interests and desires for a universal interest in freedom. Another interesting and glaring example comes in 1943 when Franklin Roosevelt said this of Joseph Stalin: "I have just a hunch that Stalin doesn't want anything but security for his country, and I think that if I give him everything I possibly can and ask nothing from him in return, noblesse oblige, he won't try to annex anything and will work for a world of democracy and peace" (quoted in Bullitt 1948).

While many people have a desire to be free, how they define freedom may not entail the same elements as Americans and it is not what they perceive Americans offer when they "help" overthrow a government. In the particular case of the Spanish-American War, the United States perceived itself as a liberator that would be well-received as they helped eliminate the imperial control of the Spanish. As Ambassador John Hay wrote "It was a splendid little war," "begun with the highest motives, carried on with magnificent intelligence and spirit, favored by that fortune which loves the brave" (quoted in Zimmermann 2004, p. 310). But this perception takes the short view and misperceives both American interests and the interests of local populations. As Chris Coyne notes, the decision to occupy Cuba and control it "marked one of the first U.S. attempts to shape political, economic, and social outcomes via military intervention and occupation" (Coyne 2007, p. 3).

After this point, the United States decided it had to regularly intervene in Cuba in order to maintain what they thought they wanted. Despite this close relationship and constant meddling, Americans could not stop Cuba from becoming communist under Fidel Castro nor could they stop Castro from becoming a dangerous Soviet ally. All attempts since that time to normalize relations and integrate Cuba more into the liberal democratic camp have failed. For that reason, "if the goal of this series of U.S. occupations of Cuba was to plant the seeds of a sustaining liberal democratic government that would ultimately become a long-term ally of the United States, one must obviously consider it a failure" (Ibid.).

Despite this early and continued example of failure, the United States has attempted to aid countries attempting to eliminate authoritarians with almost no success besides in Japan and Germany. What explains these consistent efforts despite the consistent failures? The ethno-national perception of American Exceptionalism combined with the mistaken belief that everyone wants exactly the kind of freedom Americans enjoy tricks leaders into thinking that the next experiment will be different. Technological changes and the expansive power of the US military further convince them that they have the tools at their disposal to reshape any country in their image. American dominance internationally and their ability to project their interests globally make it possible to use this ideology and tools to make these attempts with staggering regularity. Unless or until any of these factors change, it is likely the United States will again try and fail to reshape countries in its image costing blood and treasure on both sides without achieving the positive result that would merit such expenditures.

NOTES

1 One example is William Appleman Williams who said "The vigorous expansionism manifested in the Monroe Doctrine was only the continuation and maturation of an attitude held by the Revolutionary generation. Americans thought of themselves as an empire at the outset of their national existence…" (Williams 2009 [1959], p. 21).

2 As an example of the continuing relevance of the Monroe Doctrine, in the 1896 Democratic Platform they claimed the doctrine "as originally declared and as interpreted by succeeding Presidents, is a permanent part of the foreign policy of the United States, and must at all times be maintained" and they referenced their "sympathy to the people of Cuba in their heroic struggle for liberty and independence" (DNC National Platform, 1896).

3 He continues: "exposing ourselves to the reaction of foreign Powers, who, when they see us assuming to judge of their conduct, will undertake in their turn to judge of our conduct." Henry Clay, Congressional Globe, 31st Cong., 2nd Sess. January 7, 1850, p. 115, quoted in Schlesinger 1978.

4 See also, Williams 2009 [1959], pp. 25-26.

5 As Mckinley notes: "The prospect from time to time that the weakness of Spain's hold upon the island and the political vicissitudes and embarrassments of the home Government might lead to the transfer of Cuba to a continental power called forth between 1823 and 1860 various emphatic declarations of the policy of the United States to permit no disturbance of Cuba' s connection with Spain unless in the direction of independence or acquisition by us through purchase, nor has there been any change of this declared policy since upon the part of the Government" (First Annual Message, 1897).

6 Due to the experimental nature of steel ships at the time, it is possible, perhaps even probably, that an internal explosion could have caused the damage that appeared to be caused by a Spanish mine (Campbell 1976, p. 252).

7 *Teller Amendment,* H. J. Res 233, 55th Cong. 2nd Sess., April 16, 1898, p. 4062.

8 *Treaty Between the United States and the Republic of Cuba Embodying the Provisions Defining Their Future Relations as Contained in the Act of Congress.* Approved March 2, 1901, signed 05/22/1903; General Records of the United States Government, 1778 - 2006, RG 11, National Archives.

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Polycentricity: A Simple Rule for Governing Indian Country

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Abstract: Champions of capitalism and right-wing theorists of culture typically blame American Indian reservations' economic woes on tribes' historical aversion to market principles and on present-day federal policies that impose socialism on them. These arguments suggest capitalism as a simple rule to improve prospects for economic development in Indian country. We argue that the simple rule is not capitalism but polycentricity: greater tribal autonomy to choose the rules to govern tribal economies. One of the legacies of imperialism is that the primary governance challenge in Indian country today is that relations among the tribal and federal governments are monocentric, with Congress asserting nearly unlimited authority over tribes. This reduces the ability of tribal governments to experiment with rules to improve tribal economies and tribal governance more generally. Thus, debates about capitalism or socialism in Indian country miss the mark. Progress toward a more meaningful polycentric governance regime is especially critical because of the complicated nature of the economic challenges on many Indian reservations.

> Hence the Prince that acquires new Territory, if he finds it vacant, or removes the Natives to give his own People Room; the Legislator that makes effectual Laws for promoting of Trade, increasing Employment, improving Land by more or better Tillage; providing more Food by Fisheries; securing Property, etc. and the Man that invents new Trades, Arts or Manufactures, or new Improvements in Husbandry, may be properly called Fathers of their Nation, as they are the Cause of the Generation of Multitudes, by the Encouragement they afford to Marriage.
> —Benjamin Franklin, *Observations concerning the Increase of Mankind, Peopling of Countries, Etc.*

> They look to our government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the President as their great father. They and their country are considered by foreign nations, as well as by ourselves, as being so completely under the sovereignty and dominion of the United States that any attempt to acquire their lands or to form a political connection with them would be considered by all as an invasion of our territory and an act of hostility.
> —Chief Justice John Marshall, *Cherokee Nation v. State of Georgia*

I. INTRODUCTION

Seventeen seventy-six is generally accepted as the birth year of the American nation. While acknowledging the problems with the era's "peculiar institution" of slavery, many prominent historians have looked favorably on the nation's birth. Perhaps most notably, Gordon Wood (2011) depicts the American Revolution as an unprecedented step in the quest for equality and democracy. Historians such as Wood are not alone in praising the founding era. Liberals such as F. A. Hayek and Ludwig von Mises considered the institutions established by the framers of the American Constitution as a political framework to emulate in the hopes of realizing the vision of a liberal society. And Vincent Ostrom perceived that the intellectual tradition of polycentrism in America's first century was a means of realizing self-government that could be revived and end the imperialist tradition of centuries past.

The founding of the American republic was anything but a watershed moment for liberty and equality for American Indians. Long before 1776, Europeans killed and enslaved Indians. In fact, the first slaves in Virginia were American Indians (Miller 2019). Diseases carried by Europeans and spread both intentionally and unintentionally eradicated up to 90 percent of the indigenous population.[1] Not much changed in 1776. The Declaration of Independence proclaimed that all men possess inalienable rights to life and liberty but also described the Americas' indigenous inhabitants as "merciless Indian savages." The Constitution excluded Indians from citizenship, as did the Fourteenth Amendment,[2] and it was not until 1879 that individual Indians were legally recognized as persons.[3] By the conclusion of the Indian Wars in the second half of the nineteenth century, Indians were forced onto reservations, where they were subjected to a succession of federal policies designed to eradicate tribal culture and institutions. Motivated by the ideology of Manifest Destiny, the government dispossessed Indians of their land through removal legislation, coerced renegotiation of treaties, and warfare.

For critics of capitalism, exploitation and oppression are necessary for a capitalist economy (see, for example, Baptist 2016). This claim has at least prima facie appeal when considering how the federal government treated Indians during the nineteenth century. Several federal policies appear to have been motivated by capitalist considerations, such as the policies of relocating tribes to create additional opportunities for white settlers, attempting to "civilize" reservation Indians through forced land privatization, destroying buffalo to make way for railroads, creating tribal governments to "legitimate" extraction of tribal natural resources by the federal government and capitalists, and persistently failing to honor treaty obligations when they conflicted with the demands of settlers and industrialists.

Nor does an account of Indian country focused on socialism correctly diagnose the challenge. More recent policies governing reservations may be characterized as socialist. Though the General Allotment Act of 1887, known as the Dawes Act, was designed to end Indian communism by privatizing Indian land,[4] the Indian Reorganization Act (IRA) of 1934 ended allotment but greatly restricted tribal property rights and economic liberty. Hence, critics allege that the IRA was nothing but New Deal–era socialism. Agencies established during the nineteenth century, such as the Bureau of Indian Affairs, were no better, as they had incentives to keep Indians perpetually dependent on the government (McChesney 1990). Ronald Reagan's secretary of the interior, James Watt, expressed the view bluntly: "If you want an example of the failure of socialism, don't go to Russia, come to America and go to the Indian reservations."

Capitalism could be a useful corrective. Deirdre McCloskey (2019) argues that liberalism (and, by extension, we would add, capitalism) requires markets and prohibits coercion, exploitation, and slavery. Or as Peter Boettke (2021) puts it, liberalism is an emancipatory project. But the precise challenge in Indian country is not socialism. It is that federal-Indian relations remain infused with imperialistic rules that prevent Indians from choosing their own fates.

It is easy to overlook imperialism as a challenge in Indian country especially if one is concerned about socialism (or capitalism). American imperialism is usually understood to mean the United States' extension of its influence outside its territorial boundaries. But the territorial expansion of the United States and subsequent governance of Indians through the reservation system exemplify American imperialism's key feature: coercive influence over all areas of life. The framers certainly viewed American expansion this way. George Washington referred to the United States as the infant empire in part because of its plan to seize Indians and their lands. Benjamin Franklin thought it was natural to acquire new lands—Indians' lands—and provide a framework for trade, property, industry, and manufacturers. The Supreme Court also shared this imperial sentiment in noting that Indian rights are to be determined in "the Courts of the conqueror"[5] and describing the relationship between tribes and the United States as "that of a ward to his guardian."[6]

Thus, polycentrism—a system fundamentally at odds with imperialism—has not been practiced with respect to American Indians. Polycentrism refers to the autonomy of governance institutions to assert authority in a realm without being encumbered by higher levels of government (Eusepi and Wagner 2010). One aspect of it is libertarian interstate federalism, a vision of an international level playing field that will overcome the constraints of Westphalian sovereignty. Relations with Indian country thus emerge as perhaps the ideal case for trying libertarian interstate federalism and its foundational principle, polycentrism. Thus, from a normative and policy perspective, the challenge for Indian country is realizing the vision of a truly polycentric system to govern relations between tribes and the federal government as well as relations among sovereign tribes and to encourage self-governance within and across tribal communities.

Our Ostromian prioritization of polycentricity as a simple rule to guide federal–Indian relations contrasts with Richard Epstein's (2009) insightful perspective on simple rules. Epstein offers a compelling defense of markets, private property, and limited government as the path to prosperity. However, these rules cannot be imposed on all tribes (Miller 2018) if one hopes for a liberal solution to the problems confronting Indian country. Rather, the lodestar must be sovereignty. Epstein's clear and compelling articulation of simple rules presumes that people have the right to choose their rules. Despite federal policies promising tribal self-determination, the United States still denies tribes the ability to fully govern their lands. With a more meaningful sovereignty, tribes would be able to choose socialist or capitalist institutions, but until there is a more meaningful sovereignty, the most accurate description of reservation economies imperialism.

We begin our discussion by clarifying some terms—capitalism, socialism, and imperialism. Such clarification is necessary since they are used in different ways in conversations regarding governance of Indian country. We then argue that imperialism was the guiding principle in Indian country during the initial relations with Europeans and that it infused key aspects of federal policies toward Indians after 1776. After considering the empirical features of federal–Indian relations, we propose polycentricity as a simple rule for Indian country.

II. CAPITALISM, SOCIALISM, AND IMPERIALISM

In the classical liberal tradition of Adam Smith and F. A. Hayek, capitalism requires freedom from coercion. Markets also require private property rights, which are necessary for prices to have economic meaning (Mises 1920). Government is not necessary for exchange: markets, trade relations, and property rights often arise through spontaneous processes (Anderson and Hill 2004; Benson 1989; Clay 1997; Umbeck 1977). The defining feature of a spontaneous order is that it results from the deliberate action of individuals but is not the result of a grand plan (Boettke and Coyne 2005; Leeson 2008). But classical liberals did see an important role for government. Smith, in *The Wealth of Nations*, argued that peaceful exchange among self-interested individuals—that is, relations in markets—leads to human progress and prosperity. And he recognized that an appropriate constitutional framework is needed to enable all individuals to participate in the market economy (Brennan and Buchanan 1985; Weingast 2017). Meanwhile, Hayek emphasized the importance of impartial rule of law to enable exchange (Hayek 1973). Legal institutionalists also highlighted critical role of legal institutions in a well-functioning market economy.

Colonialism and imperialism are related concepts. Colonialism refers to establishing settlements or claiming territory beyond a nation's borders in order to exploit the territory, whereas imperialism is about extending political and cultural influence. Obtaining colonies to exploit is often an element of imperialism, as is internal colonization through encouraging foreigners to migrate to subjugate indigenous groups.

And in imperialism, like colonialism, governments impose formal institutions and social rules on subjugated peoples through violent cultural assimilation. Thus, the distinction between the concepts is not always clear.

In the case at hand, Europeans arrived in the New World as colonists. The US government engaged in imperialism by seizing Indian lands, which were already governed by tribes, in violation of treaties. The ideology of Manifest Destiny, an especially significant aspect of national politics in the 1840s and 1850s, exemplified imperialism. It entailed that Indians should be moved to reservations, where the government could implement policies of cultural assimilation and economic dominance. For this reason, we refer to federal–Indian relations as imperialist rather than colonialist.

The defining feature of socialism is a larger role for government in deciding what goods and services to produce and how to produce them. Many but not all socialist economies have featured command planning and totalitarianism (Gregory 2004). Hodgson (2019) distinguishes between big and small socialism. Big socialism refers to command planning and strict bureaucratic control of the economy. It describes the USSR; China before the reform era that started in 1978; and Cuba, North Korea, and Venezuela through the first two decades of the twenty-first century. Its defining features are state control of the means of production and abolition of private property. Small socialism features greater redistribution of income, a more generous welfare state, and a partially planned economy compared to socialism, without the overarching command planning aspects of big socialism. In both types of socialism, bureaucrats have an important role in managing the economy.

The challenge for socialism is that governments confront information and incentive problems (Boettke and Leeson 2004). The information problem is that a government cannot allocate resources efficiently without prices. The incentive problem is that a government has few incentives to forgo predation. These problems apply to both politicians and government bureaucrats. All governments confront them, but in socialist economies, which leave a much larger role for the state, they are much more severe.

III. IMPERIALISM: THE GOVERNMENT POLICY IN INDIAN COUNTRY

A. Initial Relations with Europeans

When Europeans arrived on the Americas' shores, the land was governed by indigenous nations. Europeans and Indians traded; however, the problem of political power was always present. Terry Anderson and Fred McChesney (1994) explain that colonial powers confronting indigenous groups confront a choice between trading and raiding. Trading results in wealth creation that is mutually advantageous, but governments may choose to raid when their costs of violent conquest decline. Up through the Revolutionary War, Indians and Europeans were relatively evenly matched militarily, which is why all the major North American colonial powers and the Americans during the Revolutionary War formed alliances with Indian tribes. Even following the Revolutionary War, the American government had incentives to trade with Indians because their military capacities were comparable. As a result, the government negotiated hundreds of treaties with Indian tribes. After the Civil War, the United States had a permanent standing army with a major weapons-technology advantage and greater discipline than state militias previously had. The United States' population was also rapidly increasing while tribal populations were plummeting due to Old World diseases. This changed the costs of raiding, so the United States stopped making treaties with tribes in 1871. By the end of the nineteenth century, the US military had warred against western tribes until they submitted to life on reservations.

We conclude that the state is the problem. Indeed, Rosolino Candela and Vincent Geloso (2020) argue that, compared with their condition when subjected to the US state, Indian tribes in the Northeast fared better under statelessness, which they define as the absence of an overarching government (tribes had their own governance structures). Governments that have more power can take what they want rather than trade. After the Civil War, the United States' military capacity significantly increased thereby decreasing the

United States' incentive to trade with tribes. In the absence of a balance of power, governments have generally chosen predation over productive specialization.

B. The Imperialistic Origins of the Reservation System

Legal institutions provided imperialists with the legitimacy needed to acquire Indian land. One of the most important jurisprudential concepts was the Doctrine of Discovery, a fifteenth-century edict that declared all land in the New World open to “discovery.” Though first possession is in some instances considered an efficient way to allocate property (Allen and Leonard 2020), the Doctrine of Discovery differed because it invalidated indigenous land-ownership rights on grounds of Christian European superiority.

The Doctrine of Discovery is a foundational principle of contemporary federal Indian-law jurisprudence and has given rise to anomalous legal doctrines used to undermine Indian rights. For example, *Johnson v. McIntosh,* the case that incorporated the Doctrine of Discovery into US law, held that Indians do not have ownership rights to the land they live on. Instead, Indians hold a right of occupancy that can be terminated at the United States’ will. Building off *Johnson*, eight years later the Supreme Court described Indian tribes as “domestic dependent nations” rather than full sovereigns.[7] This classification precluded tribes from asserting rights in court.[8] These cases depict Indians as “fierce savages,” “heathens,” and simple hunter-gatherers who have no real rights against the “superior genius of Europe.” Relying on such depictions of Indians, the court has held, “Congress possessed a paramount power over the property of the Indians.”[9] The Supreme Court originally claimed that that plenary power arose not from the text of the Constitution[10] but from the Indians’ “very weakness and helplessness.”[11] Curiously, the Supreme Court now claims Congress’s plenary power over Indians arises from the text of the Constitution. Numerous scholars, and Justice Clarence Thomas, have lambasted the Supreme Court’s attempt to legitimize an overtly imperial doctrine (Williams 2005, pp. 71–72).

Imperial jurisprudence has enabled Congress to enact imperial legislation aimed at transferring Indian land and resources to whites. In 1830 Congress passed the Indian Removal Act, which authorized the removal of Indians from their eastern homelands in order for white settlers to take their place. Manifest Destiny was a key feature of national policy in the 1840s and 1850s, especially during the presidency of Franklin Pierce. The Pierce Administration championed the Kansas-Nebraska Act of 1854 which organized the territory to facilitate the establishment of a transcontinental railroad (https://history.nebraska.gov/publications/kansas-nebraska-act). Part of its rationale was to enable the extension of railroads from Chicago to California. Likewise, homesteads were hailed as free land, but they were also explicitly designed to push Indians from their lands and to complete the United States’ western expansion. The federal government used its leverage to coerce tribes to cede land in treaties. Under the plain text of the Constitution, treaties are “the supreme law of the land.”[12] However, the court has held that Congress possesses the authority to unilaterally abrogate Indian treaties.[13]

Imperial laws are nothing without the means to enforce them, and the United States has gone to extreme lengths to subjugate Indians. During the Revolutionary War, General George Washington ordered the total destruction of the “hostile” Haudenosaunee, declaring, “It will be essential to ruin their crops now in the ground and prevent their planting more.”[14] Kit Carson’s 1863–64 campaign to suppress the Navajo relied on a scorched-earth policy of destroying Navajo livestock, crops, and water sources.[15] Infamously, US military leaders commanded soldiers to slaughter as many buffalo as possible in order to starve Plains Indians into submission. Military leaders even urged private hunters to kill bison, and an American general noted hunters “did more to defeat the Indian nations in a few years than soldiers did in 50” (Crepelle and Block 2016, pp. 320–21). Once Indians were on reservations, the United States withheld treaty-guaranteed food as a means to coerce Indians to make land concessions.[16]

None of these behaviors qualify as capitalist. The wealth transfers between the United States and tribes were based upon coercion. The system was no more capitalist than a bandit robbing someone and then selling the stolen goods to someone else. The rule of law did not operate as Hayek envisioned; rather, the law was wielded by the United States as a tool to legitimate its dispossession of the Indians. When the law operates in this manner, the regime is imperial.

C. Imperialism on the Reservation

The Indian Wars in the second half of the nineteenth century resulted in Indians being forced onto reservations. In theory, the Indians could have enjoyed a status like the states, which are quasi-sovereign entities with substantial autonomy that allows for local self-governance in the American federal system (Ostrom 1994). Indeed, this is exactly what the United States promised tribes in treaties—the right to govern themselves free from outside interference.[17] To quote Andrew Jackson's first message to Congress:

> As a means of effecting this end I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any state or territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes.[18]

In reality, tribes had very little autonomy on reservations. This included no real choice of location. Indians were given worse land than surrounding areas—land with less gold and silver and with low agricultural value—which put them at a disadvantage (Carlson 1981). Good institutions can overcome bad geography and lack of resources; however, the US constitutional system gave Congress absolute control over Indian lands, power that the Supreme Court has generally upheld in cases like *Lone Wolf v. Hitchcock*. Moreover, tribes were forced onto new lands with artificial boundaries (Dippel 2014). Many groups that never lived together were now expected to do so, creating challenges for governance and economic activities (Cornell and Kalt 2000). Despite the terrible circumstances, Indians attempted to make the best of their situation (Ostler 2001).

The General Allotment Act (GAA) of 1887, or Dawes Act, provided an overarching policy of converting Indians into private landowning farmers.[19] The Dawes Act gave treaty-guaranteed Indian lands to whites, but this was supposed to benefit Indians by expediting their assimilation into white culture. Though nominally based on a plan for economic development, the policies did little to provide opportunities for development. Indians were forced into the role of yeoman farmer. Many Indians did not want to farm—and individuals in a society that prides itself on economic freedom should have the choice not to farm—but that was not the primary obstacle facing Indians. Rather, the issue was that Indian land allocations were small, poorly located, and of poor quality. To boot, Indians were not provided with farm tools or seeds—a bureaucratic failure that was a consequence of an imperial structure (McChesney 1990).

Although ostensibly designed for the Indians' benefit, the GAA was imperial at its core. A House of Representatives report on allotment unveils the GAA's imperial intent:

> "The real aim of this bill is to get at the Indian lands and open them up to settlement. The provisions for the apparent benefit of the Indians are but the pretext to get at the lands and occupy them … If this were done in the name of greed it would be bad enough; but to do it in the name of humanity, and under the cloak of an ardent desire to promote the Indian's welfare by making him like ourselves whether he will or not is infinitely worse."

Allotment ultimately gave ninety million acres of treaty-guaranteed Indian lands to whites. Of the forty-eight million acres remaining in Indian control, most was "waste or desert" and unsuited for farming—the avowed purpose of the GAA.[20]

The GAA was designed to turn Indians into American citizens as one of its benefits to them. To attain citizenship, Indians would take the following oath: “You have shot your last arrow. That means that you are no longer to live the life of an Indian. You are from this day forward to live the life of the white man” (Hoxie 2001). Despite acquiring US citizenship by 1924, Indians were denied basic rights of citizenship such as the right to vote and attend public schools well into the 1960s. When the federal government commissioned Lewis Meriam to study the economic situation on reservations, he found that the Dawes Act had failed to promote economic development—reservation Indians were exceedingly poor four decades after its enactment (Meriam 1928).

Meriam’s report contributed to reform, which came with the IRA of 1934. According to the Supreme Court, the IRA was designed “to rehabilitate the Indian’s economic life and to give him a chance to develop the initiative destroyed by a century of oppression and paternalism.”[21] The IRA ended allotment. It also contained provisions intended to promote tribal self-government and economic development. Nonetheless, the IRA was imperial in nature. Although it prevented tribes from losing additional land, it locked tribal lands in trusts and named the federal government as the trustee. Thus, the United States owns and has ultimate control over tribal land. Nor did the provisions of the IRA provide for self-governance as the BIA compelled tribes to adopt western governance structures. (Cornell and Kalt 1995). Only decades later would many tribes adopt institutions that they wanted. Another challenge was that under the IRA, the secretary of the interior had nearly unrestrained authority over tribal activities (Crepelle 2019).

By the late 1940s, federal policy had swung back to assimilation. The era starting in the 1940s is known as the Termination Era because the federal government thought that eliminating tribal government was the only way to promote economic development and social order in Indian communities. Without the reservation governments, Indians would be more fully integrated into American institutions and culture.

The federal government implemented this vision through a series of policies, each based to an extent on the view that reservation institutions were not working and full assimilation was the only way to improve prospects for Indian development. Accordingly, the federal government legislatively terminated over one hundred tribes. Efforts to exterminate tribal cultures led the federal government to relocate Indians from their rural reservations to major urban areas under the Indian Relocation Act of 1956.[22] In 1953, the federal government allowed states to assert criminal and civil adjudicatory jurisdiction over Indians remaining on reservations to accelerate the absorption of tribes into the surrounding state with Public Law 280. Furthermore, the Supreme Court held in 1955 that tribes were not owed just compensation, as required by the Fifth Amendment, when stripped of their resources.[23]

IV. THE ONGOING CHALLENGE OF IMPERIALISM

President Nixon began the process of ending termination policies when he signed an executive order in 1970 that recognized tribal self-determination. While Congress embraced tribal self-determination in 1975 and has enacted a myriad of laws aimed at empowering tribes, antiquated imperial ideology pervades twenty-first-century federal Indian law and policy. Tribal autonomy remains extremely limited compared with state governments’ autonomy.

Constraints on tribal autonomy abound. Consider property ownership. Tribal trust lands are still owned by the federal government, rendering them subject to federal control; hence, federal approvals are required prior to using most reservation land. Over time, this has combined with fractionation rules (governing inheritance) to create fragmented property rights that increase the costs of exchanging property rights and hence undermine wealth creation. Federal law imposes encumbrances on real estate transactions.[24] Furthermore, federal restraints on Indian trade, first put in place in 1790 on the grounds of Indian incompetence, remain part of the US Code.

Tribes also face challenges policing reservations. Territoriality is the baseline criminal justice rule around the world; that is, local authorities arrest people who violate laws within their jurisdiction. This is not so for tribes, because federal law prevents tribes from asserting criminal jurisdiction over non-Indians.

Consequently, much of the policing on reservations is still done by the Bureau of Indian Affairs (a federal agency) or by the state in which the reservation is located, which removes one of the most important functions of a sovereign government from the tribes. Thus, even where tribes sign contracts with the federal government to police their own reservation, federal rules mean that for many crimes, the federal government or state governments have authority over criminals (Crepelle et al. 2022).

Indian gaming further illustrates the regulatory authority imposed on tribes. States vehemently opposed tribes' attempts to offer gaming on their lands, but the Supreme Court affirmed tribes' inherent sovereign right to engage in gaming. However, the Supreme Court's opinion permits a surrounding state to prevent a tribe from operating casinos on its own land if the state categorically prohibits gaming. This means states can impose their will on tribes. This was not enough for states, so they lobbied Congress to grant them power over Indian gaming. Congress obliged with the Indian Gaming Regulatory Act of 1988. The act requires tribes to form compacts with the surrounding states in order to engage in Vegas–style gaming. States can—and do—require tribes to share casino revenues with the state even though states often provide no value to the tribes. Moreover, states have no duty to negotiate with tribes in good faith.[25]

These external forces reveal that Indian country's political economy is not truly capitalist or socialist but instead what one would expect in a colony: an externally established framework that shapes and constrains prospects for development. The ill deeds perpetrated against Indians by the federal government, the states, and private citizens cannot reasonably be described as capitalism, which in the classical liberal tradition is an economic system in which wealth results from the *voluntary* exchange of property rights. The coerced extraction of property from Indians was not capitalism, but an imperial policy designed to satisfy the demands of the colonies and later the American government. For a system to qualify as capitalist, individuals must control their own property, as that is the central aspect of any market economy. Tribes to this day confront severe, externally imposed constraints on their property institutions that prevent property from evolving in response to local conditions (Alston et al. 2021).

The regulations in Indian country do not represent socialism either. State ownership of the means of production characterized the USSR and explains its downfall (Boettke 2001). But historically, most tribes did not have strong centralized governments, nor did they produce Soviet-style five-year plans. Policies such as the Dawes Act were explicitly designed to force Indians to become yeoman farmers. In this regard, the policies were akin to Mao's Cultural Revolution, as they were meant to instill an ethic through coercion (Pye 1986). Like the Cultural Revolution, the Indian-assimilation policies resulted in hardship and set economies backward.

There is no big socialism in Indian country, which would require command planning. Nor does Indian country have the small socialism of modern liberal democracies. Small socialism involves bargains struck to benefit workers or create systems of universal health care or basic income, such as Sweden and Norway. Although many enterprises in Indian country are tribally owned and share revenues with tribal citizens, these tribally owned enterprises are rational responses to market incentives created by current federal Indian law.

To be sure, there are constraints on the exchange of property in Indian country, but they are holdovers of imperialism rather than evidence of socialism in Indian country. These policies are not about economic management but about reducing Indians' ability to make choices about their economic activities. Even capitalism often features constraints on exchange, with rules often resulting from rent-seeking by privileged elites. What distinguishes the rules on American Indian reservations is that they are results of an imperial strategy. While the dispossession of land was meant to create a capitalist economy for the United States, the forced aspects of privatization and boarding schools and the subsequent denial to Indians of autonomy to choose rules governing their reservation economies (encumbered as they are by federal and state regulations and restrictions) reduce the ability of Indian nations to choose how to govern their economies.

V. A SIMPLE RULE FOR INDIAN COUNTRY

Richard Epstein's argument in *Simple Rules for a Complex World* is that prosperity is more likely when we have simple rules to regulate interactions in our ordinary social life. These rules concern individual autonomy, property, contract, and tort, which, along with rules regarding forced exchange and just compensation, provide a framework to criticize much government intervention. Simple rules go a long way, though they require some modification in response to specific challenges, such as low economic growth (Tarko 2020). Reservations are on average the poorest communities in the US. If the literature on economic freedom is to be believed, reservations' regulations likely contribute to that poverty (Lofthouse 2019). This suggests that some of Epstein's simple rules would make sense in Indian country.

There are many reasons for polycentrism, including freeing up public entrepreneurs to change policy within the laboratories of democracy. The reason why freeing up political talent is important is that new problems require new solutions (Aligica 2018). In the United States, public administration has become more centralized over time (Ostrom 2008). It need not be this way, as public administration has a liberal tradition that recognizes the virtues of local autonomy in public sector governance (Aligica et al. 2019).

Though there is much to be said for freeing up business on reservations (the simple rule of reducing regulation), the more basic challenge is public sector governance and barriers to meaningful self-government. The political and legal rules governing Indian country are not simply centralized; they are paternalistic legacies of an imperialistic regime that continually undermine the autonomy of American Indians to devise their own political, economic, and social rules.

The persistence of barriers to political choice and local self-governance is the reason why it would be inappropriate to recommend specific economic institutions such as capitalist or socialist ones. The primary recommendation is that tribal governments, communities, organizations, and individuals be able to decide how to govern their affairs, whether in government or in the civil society that sustains governments.

Such autonomy is a necessary simple rule for prosperity. It is not enough, as tribes still need to discern which rules will best free up Indian entrepreneurs and how to address the challenges of long-term poverty and inequality. Economic freedom is usually associated with wealth creation; however, some tribal cultures may be more open to larger government participation in the tribal economy. The key point is that each tribe should be able to choose how to govern its own land and economy. Any other system is imperialistic.

Polycentrism does not mean a confederation—a Westphalian system. It is, instead, more akin to libertarian interstate federalism, in which collections of sovereign entities interact within a political framework that acknowledges their sovereignty yet provides opportunities for the sovereign units to coordinate with each other. That is the vision of American federalism; it remains to be realized in Indian country.

We have seen some progress toward polycentrism, especially in the 1970s. But the system remains heavily centralized from the vantage point of tribes: Congress has the ultimate authority. Hence, autonomy and self-government are always precarious. Imperialism on reservations has the effect of undermining both self-government and self-governance. Since civil society is not fixed but complex and adaptive (Novak 2018), flexible rules are useful. Polycentrism provides this flexibility, as it enables governments to manage their affairs and recognizes that governments do not have a monopoly on developing rules for good order and working relations; communities and groups can do so as well and thus require autonomy too.

Despite the lack of polycentricity, reservations self-govern to an extent. Partially as a response to their inability to rely on the federal government, tribal nations often rely on themselves and their traditional customs and institutions. Cultural renewal followed efforts by the federal government to destroy tribal cultures and tribal ways of life. This renewal, and the budding development of relations among tribal governments, constitutes a foundation for polycentrism in the future.

The assertion of federal powers described above was based in part on the view that tribes could not manage themselves. But the experience of the past fifty years shows overwhelmingly that tribes are better at managing tribal affairs than the federal government is. Some tribal institutions have even outperformed their state counterparts. The United States has even endorsed the United Nations Declaration on the Rights of Indigenous Peoples. The hallmark of that declaration is self-determination, though it may be more useful to see it as a declaration of self-government and self-governance—that is, a polycentric vision. But to realize that vision requires overcoming the ongoing legacies of imperialistic institutions, including the dominance of Congress over the tribes in federal and constitutional jurisprudence. Without such changes, polycentrism as a formal institution is an aspiration rather than a reality in Indian country.

VI. CONCLUSION

Lenin famously proclaimed that imperialism was the highest stage of capitalism. But imperialism as a legal, political, and economic regime cannot be capitalist, and federal imperialist policy toward Indians is not capitalist. The dispossession of Indian land represented a failure to honor the sacred nation-to-nation agreements made between the United States and the Indian nations, not the inevitable flaws of capitalism. Some of the outcomes could be attributed to what Randall Holcombe (2018) calls political capitalism, or the ongoing relationship among political and economic elites that benefits certain businesses at the expense of society. But there is a reason it is called political capitalism: it is a problem with government, not markets.

It is not clear that either capitalism or socialism has been attempted on reservations. Rather, every choice made by tribes since reservations were established has been made in a context in which most choices were imposed on them. It does not make sense to call the GAA a capitalist system, as the property rights were not of the tribes' choosing. Nor is it a socialist system. Even though the rules rely heavily on bureaucracy, the economy is still based on exchange, though the rules make exchange difficult, if not impossible, for many Indians. The current and historical lack of a formal private sector on reservations does not mean tribes are averse to capitalism or that Indian country is socialist. Rather, it shows that the formal rules generally present obstacles to entrepreneurship on reservations.

The simple rule we recommend for Indian country is polycentricity. One could call it an application of the libertarian interstate federal tradition since the most significant aspect of that tradition, like the polycentric tradition in general, is to advocate self-government and self-governance. Polycentrism is a system that enables people to work together. Viewing it as the solution means shifting the focus from choosing specific economic systems to reforming political institutions, both formal and informal.

Public choice scholars will remind us that autonomy does not eliminate prospects for government predation: local governments are still predatory. But we believe polycentrism may enable social movements that are necessary to reduce the risks of government predation (Novak 2021).

Classical liberals recognize that not only did Westphalian sovereignty have its limitations, but so does imposed cosmopolitanism. Polycentrism, manifested as sovereign states with meaningful autonomy and heterarchical relations among the tribes, makes more sense than an anarchic system in which tribes interact like billiard balls upon one another, and it would be an improvement over the current Leviathan system. Thus, while coming up with rules that facilitate economic renewal in Indian country is critically important, polycentrism must come first.

NOTES

1 As Diamond (1998) puts it, “When the Europeans arrived, carrying germs which thrived in dense, semi-urban populations, the indigenous people of the Americas were effectively doomed. They had never experienced smallpox, measles or flu before, and the viruses tore through the continent, killing an estimated 90 percent of Native Americans.”

2 *Elk v. Wilkins,* 112 U.S. 94 (1884).

3 *U.S. ex Rel. Standing Bear v. Crook,* 25 F. Cas. 695, 5 Dill. 453 (D. Neb. 1879).

4 See Bobroff (2001, p. 1567).

5 *Johnson v. McIntosh,* 21 U.S. 543, 588 (1823).

6 *Cherokee Nation v. Georgia,* 30 U.S. 1, 17 (1831).

7 *Cherokee Nation v. Georgia* (1831).

8 *Cherokee Nation v. Georgia*.

9 *Lone Wolf v. Hitchcock* (1901).

10 *United States v. Kagama*.

11 *United States v. Kagama*.

12 U.S. Const. Art. VI, Sec. 2

13 *Lone Wolf and McGirt*.

14 https://www.onondaganation.org/history/us-presidents-hanadagayas/

15 https://americanindian.si.edu/nk360/navajo/long-walk/long-walk.cshtml

16 *South Dakota v. Yankton Sioux Tribe,* 522 U.S. 329, 346–47 (1998).

17 *McGirt v. Oklahoma,* 591 U.S._____, 140 S. Ct. 2452, 2477 (2020) (“And in many treaties, like those now before us, the federal government promised Indian Tribes the right to continue to govern themselves.”); Holden v. Joy, 84 U.S. 211, 238 (1872) (“A permanent home for themselves and their posterity in the country selected for that purpose, without the territorial limits of the State sovereignties, where they could establish and enjoy a government of their choice, and perpetuate such a state of society as might be consonant with their views, habits, and condition”).

18 First Annual Message to Congress, Andrew Jackson, (Dec. 8, 1829), Presidential Speeches, University of Virginia, Miller Center.

19 Compare the attempted cultural destruction of Indians to China’s Great Leap Forward and Cultural Revolution, which were also cultural-assimilationist policies that ended up reducing productivity. On the consequences, see Dikötter (2010).

20 *Annual Report of the Secretary of the Interior for the Fiscal Year Ended June 30, 1938* (Washington, D.C. 1938): In 1887, Indians had 130 million acres remaining; by 1933, only 49 million acres remained, much of it “waste and desert.”

21 *Mescalero Apache Tribe v. Jones,* 411 U.S. 145, 152 (1973).

22 Indian Relocation Act of 1956, Pub. L No. 959, 70 Stat. 986 (1956).

23 *Tee-Hit-Ton Indians v. United States,* 348 U.S. 272 (1955).

24 25 U.S.C. 177.

25 *Seminole Tribe of Florida v. Florida,* 517 U.S. 44 (1996).

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PART II: World Orders

Adrian Pabst on the Liberal World Order

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Abstract: The theologian and political scientist Adrian Pabst is one of the most prominent critics of contemporary liberalism, whether considered as an intellectual tradition, a political and economic regime, or an international system. In *Liberal World Order and its Critics: Civilisational States and Cultural Commonwealths* (2019), he purports to offer an alternative to our current 'liberal' global system, which, he argues, is inherently unstable and, in the long term, self-destructive, insofar as it extends to all parts of the world a mode of political and economic activity hostile to traditional ways of life and sources of meaning. Drawing on Karl Polanyi's analysis of modern capitalism as a 'disembedding' of the economy from ethical norms, and echoing other Christian 'post-liberals' such as John Milbank, Pabst calls for a new division of the globe among great powers, each with a culturally-specific 'civilizational' vision.

Pabst's work connects theology and intellectual history via a diverse range of modern thinkers—from illiberal conservatives to heterodox leftists—to achieve a vantage from which he can apparently comment with ease on nearly every aspect of politics and economics in the past and present. But his simplistic historical panoramas, idiosyncratic readings of other thinkers, broad condemnations of modernity and vague claims about what must replace it fail to offer much of substance to readers concerned either to replace or defend the current form of international politics on liberal or illiberal grounds.

Recent years have seen a significant revival of critiques of liberalism informed by a line of Christian, and particularly Catholic, theological thinking that identifies liberalism, broadly conceived, with modernity, and seeks an alternative to them. Alasdair MacIntyre's *After Virtue* (1981) was perhaps the first major introduction of this line of thought into English-speaking academia. It has since expanded throughout the latter, through institutions like Notre Dame University (home now to MacIntyre and the political theorist Patrick Deneen) and the theology department at Peterhouse College of Cambridge, out of which an important strand of 'post-liberal' thought has emerged. The theologian and political scientist Adrian Pabst is one of the most important scions of Peterhouse; his work both furthers, and is representative of, a now-widespread effort to resist what is understood to be liberalism on grounds rooted in the history of the Christian intellectual tradition.

For Pabst, as for many associated with 'post-liberalism,' the word 'liberalism' names the modern world, both in its modernity and in its worldliness. In *Liberal World Order and its Critics: Civilisational States and Cultural Commonwealths* (2019), he purports to offer an alternative to our current, supposedly liberal, system of interstate relations, trade and hegemonic political culture. Pabst argues that this system, and liberalism more broadly, is unstable and, in the long term, self-destructive, because it extends to all parts of the world a mode of political and economic activity hostile to traditional ways of life and sources of meaning that are vital to the flourishing of the system itself. Many of his specific critiques of liberalism are cogent and worthy of the attention of liberals alert to the fragility of both this form of regime and of our current—perhaps already unraveling—global order. However, his alternative vision of the world's future, built on a problematic interpretation of the history that has brought us to the present, does not hold up to scrutiny. Pabst unsuccessfully attempts to differentiate his own project from sorts of illiberal politics that he acknowledges to be troubling, such as nationalism and authoritarianism, but on inspection, these differentiations are little more than verbal formulas unlikely to assuage the anxieties of liberals who, however aware of liberalism's problems, may remain attached to the ideal of a cosmopolitan order founded on individual rights (whether or not they take it as given that our current world order corresponds to this ideal to any great degree).

Liberal World Order and Its Critics, in a sense, is directed against a world order that is already on its way out. It characterizes the "liberal" world order as one led by the United States and founded on a militaristic foreign policy, whether in a mode of "liberal humanitarianism" associated with the left, or "neo-conservatism" associated with the right. As the United States seems bound, if it has not already, to become the second (rather than first) largest economy in the near future, and perhaps lose its premier military standing sometime after that, Pabst's critique seems to come rather late. Nevertheless, it is at least of intellectual interest; his identification of American hegemony with liberalism reveals a number of significant assumptions. He tends to see our world order as an expression of American power, and thus destined to disappear with it. Foreign countries have been occupied by the United States military in order to secure "unfettered economic globalization" and "democracy promotion" (p. 46). The possibility that economic globalization—by which Pabst means the undoing of trade barriers, intensification of networks of exchange, and promotion of economic liberalism as policy and ideology—might be driven by chiefly economic forces, or by political forces beyond the United States (such as the markets and states of East Asia, Europe, etc.) does not feature in his account. While critics of globalization and liberalism, such as Michael Hardt and Antonio Negri in their book Empire (2000) have powerfully argued that we might better see economic globalization as employing the United States and its military in its own service rather than the other way around, Pabst tends to see globalization as a sort of meta-policy enacted by the United States and its allies. If economic liberalism at a global scale is in fact an expression of American power—rather than an autonomous process, or even, one that has used the United States as its instrument—then it will prove perhaps rather easy to reverse as the latter declines.

Given what from his perspective is the hopeful prospect of American decline, and with it, the erosion of economic liberalism in its form of contemporary globalization, Pabst advocates Western states pursue domestic policy changes that he sees as necessary to adapt to the end of globalization, and replace it with a more sustainable form of international political and economic relations, based not on commercial exchange and individual rights, but on the promotion of collective solidarities across a variety of levels. This would entail not only a kind of cultural nationalism at the level of the state, but also—differentiating Pabst's views from those of illiberal centralizing nationalists—the creation of more local and regional institutions that will reinforce individuals' sense of cultural identity and difference from members of other populations: what Pabst calls "cultural association." He argues that "cultural association is more primary than states" and faults the current international system for its reliance on the power of the latter (p. 66). He adds that an "important dimension of the global backlash against liberalism is the celebration by powers such as China, India or Russia of their civilizations and their conviction that global stability depends upon coexistence and mutual respect of civilizational identity" (p. 77). By invoking culture and civilization as the grounds for both his own critique of the supposedly liberal global order, and for the varying stances of non-Western governments towards it, Pabst carefully decouples both from *nationalism,* a word which he never treats in a positive light and associates with the supposedly objectionable modern state. Rather than submitting individuals to a state-directed process of assimilation to a national identity defined by a centralizing administration, the sort of politics Pabst advocates supposedly undoes the current world order in order to recognize and reinforce pre-existing 'cultural' and 'civilizational' collectivities that are both smaller and larger in scale than states.

Pabst is not specific about what 'cultural association' would look like, or how it will challenge both liberal globalization and illiberal nationalism. Indeed, he seems to desire 'cultural' and 'civilizational' politics less to reshape international relations than to give greater legitimation for policy shifts he desires at the domestic level. Pabst desires the latter to no longer be organized on the basis of appeals to individualism, whether couched in terms of the logic of the market or the egalitarian condition of citizens of liberal states. Instead of seeing themselves primarily as self-interested economic actors or citizens, individuals should see themselves as members of cultural and civilization zones that do not overlap with state borders. These identities (such as ethnicity and religion) would engender "shared substantive ends" that "correct the liberal fixation either with instrumental and transactional relationships (merely national or international corporate interests) or with procedural ties (abstract rules and regulatory agencies)." They thus "shift the focus towards the reality of shared cultural and social bonds" (p. 78).

Embracing such a shift, however, would mean not so much reinforcing the current identities of Western polities, but transforming them. Pabst finds that "at the heart of the liberal order lies the West and at the heart of the West lies a paradox … the West is the only civilizational community of nations and peoples founded upon shared political values … [which are] the self-determination of nations, the self-government of people, democracy and free trade." These values, however, do not so much express the identity of the West and its constituent members, but, rather "erode the foundations of Western civilization" by promoting individualistic behavior and identities based on what Pabst considers the abstract basis of the market and the state. Although liberalism emerged from the modern West, is distinctly Western and still perhaps commands the adherence of most, or at least many, citizens in the West, its values undermine "the common cultural customs, beliefs and practices of its nations and peoples." Insofar as Westerners are liberal, "the West is its own *first* enemy" (p. 89). For Westerners to identify with 'cultural' bonds rather than with liberal values would mean for them to undo their current self-understanding and embrace a substantively different one, changing rather than embracing 'who they are.' It remains unstated what bonds exactly Westerners ought to endorse.

It might seem that a renewed emphasis on such bonds, which are necessarily particularistic, might incline members of different communities to regard each other with more suspicion and hostility. However, Pabst argues, this shift will have harmonious effects on both domestic and international politics. At home, he insists, "cultural commonwealths fuse the autonomy of peoples and nations with substantive assistance in case of need, which reflects local customs and habits and does not override them in the name of abstract standards such as procedural democracy or purely individual rights that leave out mutual obligation." As with other such claims, what this means in practice is rather vague, although it is clear what is being negated by them—the supposedly abstract logic of the 'market-state' as manifested in democracy and human rights. Ironically, these specific phenomena are to be undone in the name of supposedly concrete ties, the substance of which remains less concrete than what they replace. Likewise, the realm of foreign policy, "purely formal alliances that merely share liberal principles in common" (no examples are given) will be replaced by "substantive international engagements" (p. 75).

Instead of describing how a new set of institutions could promote such a sense of association and lead to international engagements on that basis, Pabst discusses thinkers he takes to be inspirations for this proposed post-liberal shift. Of these the most important is Burke. Indeed, he claims that "the only genuine alternative" to the current liberal global order "is to embrace a Burkean vision of the West as something like a commonwealth of nations that reflects a relational covenant among peoples where substantive social and cultural ties based on a common heritage shape identity more than trade or formal treaties" (p. 91). In Pabst's version of Burke's argument, the West should be understood by its inhabitants as a single cultural zone, ranged alongside other cultural zones such as China, India, the Islamic world, etc. Pabst argues that such a conception of global politics would not lead to what Samuel Huntington, thinking on similar lines, described as a ‘clash of civilizations,’ but to a peaceful division of the world among cultural zones, each at peace with itself. This argument, which is perhaps dubious on the face of it, is supported by questionable interpretations of Burke’s writings.

Pabst draws heavily for Burke’s supposed ‘civilizational’ theory of international order on the latter’s late work, *Letters on a Regicide Peace* (1796) which urged the government of Great Britain to commit to war against revolutionary France on ideological grounds and not to make peace until the French monarchy was restored. It was in service of that cause that Burke “emphasized cultural association as the most universal mode of human political interaction” (p. 76). In Burke’s eyes Christian Europe before the French Revolution had formed a single cultural zone united by religion, mores, and monarchical forms of government. The Revolution had disrupted the homogeneity of this zone, and therefore had to be suppressed. In other words, far from being linked to a relative pacifism in international relations within a given cultural zone (let alone among different zones), Burke’s argument was developed in order to justify an ideologically-motivated war within the European cultural zone.

A similar misreading sustains Pabst’s claim that the Burkean approach to international relations would reduce the interstate conflict that is supposedly endemic in our own day. Pabst finds that the reason for “anarchy and violence in the sphere of international relations,” according to Burke—whom he takes as correct on this heading— is the fact that people are divided into “arbitrary” states whose borders do not reflect the sorts of relationships that actually define identities (p. 72). If political life better represented the cultural zones that in fact divide humanity, then there would be more peaceful relationships among these new polities than currently prevails among our too-heterogeneous states. The problem to be feared is thus not a ‘clash of civilizations,’ but rather that states will clash because they too little resemble or refer to the supposedly pre-existing set of civilizations lying beneath and beyond the level of abstract national identities oriented toward artificial states.

In support of this position, Pabst cites Burke’s now relatively obscure early writing, *A Vindication of Natural Society* (1756). The latter, however, is widely understood by scholars to be a satire, and is far from a straightforward critique of liberalism. Indeed, as Frank N. Pagano has compellingly argued, it is an endorsement of liberalism on apparently conservative, ethnocentric grounds, as the form of government appropriate for the English. More might be said as well about the fact that Pabst presents Burke as one of liberalism’s major foes, an interpretation that ignores the complexities of Burke’s thought, and its complex relationship to liberalism (the subject of voluminous scholarly debates). It is however perhaps sufficient to note that Pabst’s treatment of the two Burke texts that are central to his construction of a ‘Burkean’ view of international relations is problematic, if not disingenuous.

A similar approach marks Pabst’s engagement with the ideas of Schmitt, the Nazi jurist and arch-critic of liberalism. Pabst seeks to avoid identifying his ideas with those of Schmitt, just as he seeks to avoid linking them to illiberal nationalist movements that purport to oppose globalization. Yet just as his ‘cultural’ or ‘civilizational’ approach may seem to differ little in substance from the latter, so too do his ideas have striking parallels to Schmitt’s later writings, such as *Land and Sea, Dialogues on Space and Power* (1942), and *The Nomos of the Earth* (1949). This is not to say that Pabst is a ‘Schmittian’, but the implications of his ideas do seem to lead toward directions like those explicitly posited by the anti-liberal Schmitt.

Pabst notes that Schmitt in the 1940s developed a conception of global politics (in defense of Nazi imperialism) according to which the world should be divided not into sovereign states but into ‘great spaces’ or zones of influence. Pabst argues that his own calls for replacing the autonomy of nation-states with civilizational blocs is critically different from Schmitt’s argument insofar as his view is premised on the idea that these blocs represent genuine and durable differences among the world’s peoples. As he puts it, “a pre-established order and suzerains with gradated forms of power can coexist precisely because they often have spheres of influence with partially overlapping cultures.” In contrast, he argues, the Schmittian view merely posits competing zones that have no substantive basis in different ways of life and values (p. 49).

For Pabst to distinguish himself from Schmitt on these grounds is strange indeed, given that scholarship on Schmitt tends rather to reveal the connections between Schmitt's theories of an international order founded on 'great spaces' and his conceptions of domestic politics animated by the aim of suspending supposedly abstract and formal liberal norms to achieve greater moral and racial 'homogeneity.' As Peter Stirk has argued, the international and domestic aspects of his thought fit together in a common hostility to liberalism's supposed inability to recognize that political life must be founded on specific, concrete cultural ties (Stirk 1999). In Schmitt's case, this meant endorsing the 'Aryanization' of Germany and German-occupied states, and, eventually, genocide.

It would be grotesque to suggest that Pabst has any such agenda. But his critique of the current world order structured on terms clearly similar to those of Schmitt, seems unable to provide adequate safeguards against such outcomes. Like Pabst, Schmitt during the Nazi era critiqued liberal conceptions of individual rights and the modern state in order to promote a supposedly more authentic and rich conception of politics founded on the moral homogeneity of a community and its ties to similar communities in a civilizational zone. Although the ends to which Pabst and Schmitt promote these ideas differ, they are quite in agreement about what they see as the deficiencies of liberalism and the international order of sovereign states, and, in broad terms, about the sort of order that ought to replace it.

Liberal World Order, in its critique and alternative to the international system founded on American military power and economic liberalism, promotes such keywords as 'association,' 'culture', 'civilization' etc., which are supposed to be more stable and satisfying than the kind of connections among states, and among individuals, fostered by liberalism. Not much, however, is said about the positive content of these bonds. Problematically, one of the sources for this set of ideas, Edmund Burke, saw them as justifying liberalism, at least within England, while another of their sources, Carl Schmitt, took them as justification for Nazi imperialism. It would seem that valorizing associative solidarity in fact neither prevents one from accepting a sort of liberalism (Burke) nor falling into the sort of bellicose authoritarian nationalism from which Pabst wishes to differentiate himself (Schmitt). But, although this is not immediately apparent in *Liberal World Order,* Pabst is in fact up to something rather more specific than a mere, and open-ended, promotion of the value of culture-based solidarity as such. He aims, in fact, at a transformation of Western cultural values, in a distinctly illiberal and clerical direction.

Pabst's critique of the supposedly liberal international order cannot be understood without first working through his more general philosophical, historical and political commitments on which he grounds his critique of liberalism. This is especially true because his proposals in *Liberal World Order* remain quite vague, and seem to be largely in the service of promoting certain domestic political ends, and specifically towards shifting the terms of political discourse within Western countries away from liberal conceptions of human rights and democracy towards new sorts of ethnic and cultural solidarities.

Pabst is above all a theologian, and his critique of liberalism, as the basis of an international order or of a domestic political and economic system, begins from his theological premises. These are most fully articulated in one of his earliest and longest works, *Metaphysics: the Creation of Hierarchy* (2012). While the topic of 'metaphysics' may not necessarily seem to have political implications, Pabst's subtitle, pointing to the existence of 'hierarchy,' already has connotations of an inegalitarian ordering of the world pregnant with implications for his political thought.

Metaphysics, like much of Pabst's writing on liberalism, is at once a historical account of the development of concepts, and a set of claims about the nature of reality. On the first count, it traces how ancient Greek philosophers and early Christian theologians articulated theories according to which the nature of individual beings requires their active and ongoing 'participation' in the creative, outflowing essence of the divine. 'Participation' is a rather opaque concept the particulars of which need not detain us; it is important for Pabst's politics insofar as it signals that beings—and most significantly human beings—are not autonomous and self-determining, but radically dependent on higher authority.

Pabst sees the emergence, and subsequent occlusion, of the theory of participation as a central process in Western intellectual, and political, history. He argues that under the influence of theologians like

William of Ockham (1287-1347) in the Middle Ages, and then in an accelerating tendency since, Western thinkers have eschewed the concept of participation for another vision of ontology according to which beings possess within themselves self-sufficient natures disconnected from continual, sustained engagement with a nature beyond and above their own. Pabst insists that this modern conception is at odds with the original account of being held by Plato, Aristotle and the early fathers of the Christian church. It is not only an epochal break, and theologically invalid, he adds, but one that has perilous practical consequences, not least of which is the emergence of liberalism, founded on the idea that human beings fundamentally are, or can be made to function as, self-interested agents.

Pabst treats the emergence of modernity, in all its varied aspects, as the result of a pre-modern shift in intellectual culture, giving vast historical power to what might seem to be a minor change. Moreover, he treats modernity as almost identical with the more historical specific phenomenon of liberalism, which he understands to be the conceptual matrix out of which both the modern economy (capitalism) and the modern state arose. Liberalism does not appear to him as a particular intellectual tradition, rivalled by a number of others for influence in modern political and economic history, but as *the* master-discourse that gave rise to the fundamental modern historical processes. Although this conflation means Pabst's concept of liberalism has little historical specificity, it does offer a rhetorical advantage. If liberalism is the source of the modern economy and state, then it can be imagined as responsible for all the problems of modernity.

Pabst's wide-ranging historical argument connecting political liberalism and its premise of individualism as it emerged in early modernity to a much earlier shift within Christian accounts of ontology is not unique to him or as unprecedented as it might seem. A number of other modern Christian thinkers and scholars of the medieval era, such as André de Muralt in his *L'Unité de la philosophie politique. De Scot, Occam et Suarez au libéralisme contemporain* (2002). Similarly, Michael Allen Gillespie has presented medieval theological debates as the crucible of political modernity in his *The Theological Origins of Modernity* (2008). Pabst's tendency to conflate 'modernity' and 'modern politics' with liberalism, meanwhile, seems to be derived from the influence of a tradition beginning with the political philosopher Leo Strauss (1899-1973) and best represented in Europe by Pierre Manent. Whatever the intellectual merits of this genealogy of concepts (which is distinctly conservative in tenor), however, in Pabst' hands it serves as an instrument for arguing that modernity and liberalism are both theologically and politically bankrupt.

Although in his later work Pabst is more explicit on this head, in *Metaphysics* he is relatively restrained. Instead it is John Milbank who, in his forward to *Metaphysics* articulates what he sees as the "political corollaries" of Pabst's argument. Milbank is the key figure in two inter-connected intellectual movements in which Pabst is a major participant. The first of these is 'radical orthodoxy,' a tendency in Anglican and Catholic theology to engage with post-modern critiques of modernity in order to reinvigorate the Christian intellectual tradition. Milbank was one of the co-editors (along with Catherine Pickstock, Pabst's dissertation advisor) of *Radical Orthodoxy: A New Theology* (1999), an edited volume that signaled the importance of this movement in the United Kingdom and United States. He is also one of the leading lights in the British movement of 'post-liberalism,' a related, but specifically political effort to move beyond what are seen as the limitations and failures of modern liberal thought (in the United Kingdom, it is often linked to the 'Blue Labour' tendency within the Labour Party, a socially conservative group within the Labour Party; in the United States, the leading venue for such ideas is perhaps the Christian journal *First Things*) Subsequent to the publication of *Metaphysics,* Milbank and Pabst co-authored *The Politics of Virtue: Post-Liberalism and the Human Future* (2016), another expression of their common theological and political commitments.

In his preface Milbank argues that Metaphysics demonstrates how the idea that created beings, including human beings, possess ontological autonomy (that is, do not require for the sustainment of their being a continuous participation in a 'higher' sort of nature than their own) must necessarily "generate a politics of either individual or collective autonomy," which translates practically into either liberalism or a kind of nationalism. In such forms of politics, which Milbank suggests are distinctly modern, individuals see the state either as an instrument for securing their own rights, or as a means of their common self-aggrandizement at the expense of other groups. The former sort of liberal politics is "deficient in any true sense of a sharing in a common good or the primacy of a specific set of relations and reciprocal duties over individual rights" (p. xxi).

Milbank does not have much to say about what the common good that liberalism is unable to conceive of would in fact look like—or why liberalism, understood as a political order designed to protect and prioritize the rights of its individual members, should be incompatible with some version of a 'common good' (such as, minimally, the maintenance of the necessary conditions for the exercise of individuals' rights; or, more ambitiously, the development of these conditions toward the widest possible deployment of rights, whether in the form of economic growth, fostering of opportunities for education and self-cultivation, etc.). Nor does he say much about the substance of our reciprocal duties, nor, again, why within liberalism the preservation of fellow citizens' rights, and the necessary conditions for their rights-bearing to be operative, should not count as a set of specific, reciprocal duties. He does, however, insist that liberalism is inherently deficient in this respect insofar is it presupposes (at least potentially) autonomous individuals, who can encounter each other and determine a structure for the protection of their rights.

This presupposition, supposedly derived from the modern ontology in which beings possess their nature without continuous participation in a transcendent divine reality, equates to a "removal of God from the political sphere," since within the liberal framework human beings are imagined as capable of creating a governmental order based on their needs and rights as human beings, without reference to non-human entities or values. Milbank argues that in Pabst's account, an ontology without participation leads to an impoverished notion of humanity, "without true human relations." The latter, he insists, are only possible if grounded in a "receptivity and gratitude" to God prior to any commitments to fellow human beings, let alone toward oneself. Liberalism, "designed to make the competitions of ignorant individuals balance each other out," functions as a "desperate" substitute for such a grounding. It is perhaps worth noting in passing that Milbank's formula here, while unfavorable in tone to liberalism, does capture important elements of many conceptions of it, in which we might understand liberalism precisely as attempting to allow individuals with imperfect knowledge of economic and political conditions, disagreeing about the ultimate aims of life, and operating in a context of limited resources, to nevertheless find ways of living together without either dominating or being dominated by each other. What is at issue is whether such an attempt is feasible in the absence of the sort of underpinnings that Milbank argues Pabst finds necessary (Milbank 2012, p. xxi).

Pabst himself is generally more reticent about drawing out the political implications of his idea of participation in *Metaphysics,* but in several passages makes significant gestures towards his larger critique of liberalism and the international order that is its supposed consequence. Toward the end of *Metaphysics,* he draws on Karl Polanyi's *The Great Transformation* (1944) to argue that both the modern state and the "free market" depend on the idea that human beings, however fallible, can construct through their "artifice … a peaceful natural order (beyond the violence of the state of nature)" (p. 436). The state and market appear in this logic as utopian abstractions, which inspired intellectuals to advocate and policy-makers to advance the liquidation of the "intermediary institutions" that had long structured economic and political life throughout the West.

Guilds, feudal hierarchies, ecclesiastical institutions, and other sorts of non-state or quasi-state entities, often based on inegalitarian principles and hereditary statuses, were eliminated over the early modern and modern eras through gradual reforms and occasional spectacular events such as the French Revolution. They were by and large replaced with state and market institutions based on "the logic of abstraction that governs both the bureaucratic control and commercial exchange," according to which individuals and commodities are comparable and fungible, rather than marked by specific local identities that prevented their movement or marketization (e.g, serfs who cannot leave their lord's estate, or hereditary estates that cannot be sold). The destruction of feudal intermediary institutions (which, Pabst does not note, must surely be understood to have been somewhat compensated in the modern era by the emergence of new intermediary institutions such as professional associations, unions, chambers of commerce, social clubs and charities, etc.) has, Pabst claims, subordinated modern life to the singular "market-state" (p. 436).

As with Pabst's account of the relationship between the occlusion of 'participation' and the rise of modern politics, his account of the rise of the 'market-state' may seem so sweeping as to have little purchase on historical reality. It is, however, rooted in an intellectual tradition that, derived from the unorthodox economic thinker Karl Polanyi (1886-1964), has influenced a diverse range of thinkers on the right and left. Besides its political influence, this vision also has some genuine historical insights. One of the most empirically grounded versions of the Polanyian view can be found in Steven Kaplan's analysis of the deregulation of the eighteenth-century French grain trade, *Bread, Politics and Political Economy in the Reign of Louis XV* (1974). Kaplan argues that as the monarchy eliminated the dense set of local institutions that had set grain prices to create a single national market, it also created the preconditions both for an increase in centralized state power (by removing the traditional authority of localities to set their own prices) and the emergence of economic liberalism in which commodities and individuals freely circulated. The state and market, at least in this particular historical moment, formed a common front against feudal and mercantilist institutions.

In Pabst's version of the argument, however, it is not merely the case that the state and market worked together against certain institutions at a particular moment in history, but that the state and market are essentially a conjoined entity hostile to 'intermediary institutions' as such and across time. This hostility, moreover, operates not only within the domestic sphere but at the global scale. For Pabst, beyond debates between advocates of market-oriented reforms or of greater state intervention in the economy, both the economic right and left share a common set of political presuppositions hostile to the tissue of "local and global civil society" that is now placed "under the hegemony of the international system of nation-states" (p. 436).

It is not immediately obvious what Pabst means by the institutions of "global civil society" that have thus been subordinated. While early modern "local civil society," to the extent that it refers to institutions such as guilds, parish councils, mercantile associations, etc., was indeed deprived of much of its power to structure economic and political life for ordinary people by early modern European states intent on creating national markets, there are few early modern economic institutions that fulfilled similar functions at a "global" level. Nor does Pabst seem to mean the modern network of human rights organizations, charities, and other such entities addressed to a cosmopolitan public sphere (e.g., Amnesty International) whose members might refer to themselves as "global civil society" in a contemporary context—and still less to multi-national corporations or to international bodies such as the World Trade Organization, which are constitutive members of the international order Pabst critiques as an emanation of the logic of the "market-state."

Given his theological commitments, the most plausible candidate for Pabst's "global civil society" that has been subordinated by the modern market and state would seem to be the Christian Church, and particularly the Catholic Church. This suggestion is supported by another passage in *Metaphysics* in which Pabst draws on the political thought of Pope Benedict XVI to attack both liberalism and the current international order. The former Pope, in Pabst's account, anticipated his own argument that modern politics (understood as degenerate) is the product of an earlier intellectual shift or rather deviation within Christian theology. Moving beyond "value-free democracy" and liberalism will require a return to "pre-secular metaphysics," including the concept of participation. It will also include "a new kind of engagement between all faiths and cultures—above all the world's largest religions, Christianity and Islam" through which liberalism's "modern divorce of religion from politics" will be overcome both at the scale of individual states and at an international level (p. 155). Superseding the singular logic of the 'market-state' with a newly empowered set of religious institutions would allow for a new kind of internationalism founded on inter-faith dialogue.

What exactly Pabst, following Benedict XVI, has in mind for the future of international relations, reestablished on a fresh engagement between Christianity and Islam, is not clear—a problem that recurs in his later critiques of today's international order and proposals for moving beyond it. He seems to suggest that "secular reason," i.e., the imposition of secularism, religious toleration and state neutrality towards religion in domestic politics, has had similarly negative consequences for both Christians and Muslims affected by these measures. Working together against a common problem, or rather common enemy, they might, in overcoming the secularism and individualism of the modern 'market-state,' find new ground for mutual toleration that appeals to a principle of common religious belief, rather than to what Pabst sees as the formalistic and hollow "value-neutral" toleration offered by liberalism (p. 156).

Yet immediately after this passage, Pabst warns that the "pan-European civilization" that Christianity and the classical Greco-Roman heritage created "is now under threat" not only from the "modern militant secularism" Christianity and Islam might ally to overcome, but also by "modern religious extremism," by which he seems to mean Islamic terrorism and fundamentalism (ibid.). Identifying "religious extremism" as a threat to Europe's "civilization" suggests that rather than a dialogue among civilizations (defined by their religious identities) a post-secular international world order might be rather more likely to see conflict—unless, that is, the current tendency toward "extremism" can be shown to be specifically "modern," and thus a consequence of liberalism, secularism, etc., that will be swept away with them in an eventual post-secular international order (a case Pabst does not make).

In two subsequent books, both published in 2019, Pabst furthered his critique of liberalism and outlined an alternative international and domestic political order. *Liberal World Order and Its Critics*, as we have already seen, is of the two the most ostensibly concerned with the former, while *The Demons of Liberal Democracy* focuses on the latter. However, just as *Liberal World Order* is in fact a plea for a new, post-liberal domestic politics of cultural identity, disguised as a critique of American-led economic globalization, so too does *Demons of Democracy* contain important comments on the international system.

Pabst begins *Demons* by arguing that "the post-Cold War order is unravelling and with it the supposed triumph of liberal democracy over all other political models." After 1989, hubristic Western governments attempted to spread "multi-party market capitalism" throughout the world, but have been checked by the dramatic success of "one-party state capitalism" in China (p. 11). This statement is strongly worded but not wholly inaccurate; assumptions that political and economic liberalism had durably triumphed with the collapse of the Soviet Union have indeed been confounded. For Pabst, however, the problem is not merely that Western observers of a generation ago were naively optimistic and have left a crisis for their descendants, but that liberalism as a form of government is by its nature open to such crises.

Drawing on his claims in *Metaphysics* about the interconnected 'market-state' that forms the basis of modern governance, Pabst sees liberalism as prone to instability because its political aspect promises equality and autonomy while its economic aspect generates growth only at the cost of inequality. He warns that the "liberal order is inherently unstable because liberalism erodes the very foundations on which it rests" by creating "economic injustice and divisions in society that are threatening the social contract between the people and their representatives." In a tone that echoes Marxist critiques, Pabst condemns "the forces of dispossession unleashed by liberalism, which include capitalism, statism and globalization." Or again, echoing his earlier analysis inspired by Polanyi, Pabst claims that by destroying intermediary institutions, liberalism creates "an unmediated space based on an oscillation between the individual who is disembedded from history, institutions and relationships" (p. 4). It has led to "the emergence of an anarchic society connected with the fragmentation of everyday life and a weaking of civic bonds" (p. 16).

The intellectual basis of liberalism's liquidation of traditional institutions and subjection of individuals to the logic of the 'market-state' is the supposedly "pessimistic ontology of the social contract tradition" (p. 106). According to Pabst, thinkers like Hobbes, Locke and Rosseau, "share a gloomy outlook about the individual or the free association of people... if human beings (alone or in society) are selfish, greedy, distrustful of one another or prone to violence, then the impersonal institutions of state and market are best positioned to minimize conflict and maximize security, freedom and equality" (p. 107). One can again here note Pabst's tendency to conflate diverse phenomena into a single whole, characterized by some common failing. Just as modernity and liberalism are equated, and just as the state and the market are found to have the same formal and abstract logic necessarily hostile to 'intermediary institutions,' so too are the foundational thinkers of liberalism (in spite of their disagreements with each other, not to mention the contradictions within their own works) united by a single, "gloomy" vision.

Pabst takes issue with what he imagines to be the liberal tradition's claim that neutral institutions premised on the self-interested behavior of individuals can effectively mediate conflict. He argues that markets and the state on which he takes them to depend in fact generate conflict and thus fail on their own terms. They can only exist, in his vision, where rich, meaningful connections among individuals (embodied in older non-market, non-state institutions such as guilds, ecclesiastical associations, etc.) have been undermined, and they fail to replace those connections with similarly powerful affective bonds. Here Pabst is more explicit than in *Metaphysics* about some of the present-day 'intermediary institutions' that might provide alternatives to what he sees as the single, liberal order composed of market and state. These would include "professional associations, trade unions or universities," which he argues have been systematically weakened by liberalism's emphasis on market and state to create an "anarchy of competing individuals who pursue their own self-interest without much regard for reciprocal recognition or mutual benefit" (p. 36).

If this offers more specificity than did Pabst's account in *Metaphysics*, it does not offer much more clarity. Readers are asked to imagine that professional associations, unions and universities, all of which seem in Western societies today to be intimately and perhaps inherently linked to both the state and the market, are sites of an alternative sort of human relating that is being undermined by the 'market-state.' Pabst argues that the latter assumes, and then creates, individuals driven by self-interested calculations. Such individuals have only feeble and temporary connections to each other, and lack the kind of extra-rational mutual identification and loyalty fostered by 'intermediary institutions' of 'civil society' (one might note in passing that modern nation-states seem to have had rather little trouble commanding the loyalty of their populations, as evinced by mass mobilizations such as the World Wars—and one might also question whether the sort of feelings generated by universities or trade unions are truly of another, less selfish and contingent nature, than the loyalty commanded by states). Thus, when the logic of the liberal state and market generate inequality among individuals or nations, these unequal people or groups can easily turn against that logic and seek to overturn the liberal order to which they feel no emotional bonds. Liberalism sows the seeds of its own destruction.

Pabst's case against liberalism rests on questionable grounds in terms of its claims about the state of present-day institutions and their relationships to the state and market, and the extent to which these relationships can be fairly described as 'liberal' or as the result of policies favored by liberals. At no point does Pabst offer a sample of supposedly liberal thinkers' conceptions of liberalism, in order to compare them to the practice of present-day institutions that he claims are liberal. It is not at all obvious, for example, what foundational thinkers of liberalism like Adam Smith (1723-1790) might make of contemporary capitalism and globalization (given, for example, Smith's criticisms of joint-stock companies—in some ways the ancestors of modern corporations—and state interference in trade), nor whether twentieth-century liberals such as the figures associated with the Mont Pelerin Society would endorse the dominant political and economic institutions of the West today as straightforwardly 'liberal.'

Pabst's characterization of post-Cold War globalization as liberal—and his suggestion that it is one of the "forces of dispossession" unleashed by liberalism, as much an expression of liberalism as the 'market-state'—is particularly frustrating in this respect, since it requires (with little argumentation in its support) that readers take the world order of the last thirty years, dependent on the American military's global hegemony, a complex network of international institutions organizing flows of goods, capital and persons, and the power of large multi-national corporations, all as 'liberal,' despite the objections to each of these pillars of the contemporary world order that could be made on liberal grounds. Indeed, contemporary globalization seems best understood as reliant on collaborations of market and state, along with 'intermediary institutions' such as the World Trade Organization and multi-national corporations, that resist identification with classical liberal orthodoxies about, for example, free trade. That may be a ground from which to challenge globalization from a liberal point of view, or, conversely, an empirical challenge to the analytical value of the liberal perspective. But in either case, liberals of various stripes—who could find many reasons from both classical and neoliberal traditions to critique aspects of the post-1989 world order—are unlikely to recognize their ideology in Pabst's description of it as the foundation of both that order and of modernity itself.

Liberals are still less likely to be convinced by the recommendations that Pabst offers for a post-liberal domestic and international order. In Demons, he argues that in order to overcome the atomization and loss of social cohesion produced by the abstract logic of the market-state, "Western countries require new constitutional settlements that recover the natural link of mixed government with modern traditions of sovereign pluralism and federalism." Pabst imagines that creating more levels of governance, both domestically and internationally, and more centers of sovereignty to distribute power away from national states, will restore something of the associational life that had been secured formerly by 'intermediary institutions.' Pabst notes that the new institutions he envisions will be both "national and supranational," somehow supplementing and going further than the networks of international governance (e.g., the World Bank, World Health Organization, European and African Unions, etc.) that already characterize the contemporary 'liberal' world order (p. 125). Indeed, he hardly acknowledges the ways in which post-1989 economic globalization has been advanced to a great extent through regional organizations that shift governance beyond or outside the nation-state. Critics of globalization, particularly from the right but from the left as well, have often targeted, for example, NAFTA or the EU, as institutions beyond the reach of democratic deliberation at a national level and thus eroding popular sovereignty and historical identities.

Pabst describes the current international order that sustains economic globalization as if it were truly founded on the 'market-state' free of 'intermediary institutions,' ignoring the critical role of such institutions within this order, and taking it as given that the latter can be considered liberal. It is therefore difficult to imagine that his proposed solution of increasing the role of such institutions would necessarily restrain globalization or liberalism. It is even more difficult to accept Pabst's claim that such a shift towards more regional institutions beyond the nation-state will require "a much greater long-term international involvement on the part of traditionally reluctant countries," warning that "the occasional isolationism of the USA and the UK" has retarded the process of "nation- and institution-building" (p. 125).

Pabst presumably is referring to the fact that the Anglo-American alliance has been relatively reticent to participate in 'nation-building' campaigns since the winding down of the occupations of Iraq and Afghanistan during the Trump and Biden administrations. In spite of Trump's rhetoric criticizing NATO, NAFTA and other international bodies and agreements, however, his policies hardly amount to "isolationism" comparable to the United States' isolationist era between the World Wars. For that matter, the George W. Bush administration was also critical of many international organizations and treaties during the Iraq War, retaining a distance from bodies such as the International Court of Human Rights. This however in no way made its foreign policy isolationist or skeptical of 'nation-building.' Not only do the questions of nation-building (i.e, foreign policy open to the long-term occupation of foreign countries) and participation in international institutions seem quite distinct from each other in recent American history, but in both cases a range of policy choices seem to be compatible with economic globalization.

In calling for more interventionist foreign policies from the United States and its British ally to shore up international institutions, Pabst seems to envisage not so much a break with the current international order as its perpetuation. This order, although Pabst never acknowledges it, is after all founded not only on nation-states and international markets, but on a range of international institutions promoting co-operation at regional and global scales, and setting the parameters within which markets function. It is isolationism—a retreat from military intervention in the name of 'nation-building' and from participation in international organizations—that, for better or worse, would constitute a break with the current order, however desirable or unpalatable that might be. While Demons makes it clear what Pabst opposes—modernity, liberalism, and globalization—his handle on these concepts seems insecure, and his proposals for reform unclear.

Pabst, like his mentor Milbank and the 'post-liberal' movement of which they are key exponents, has achieved a certain visibility in recent years as a critic of liberalism and to a lesser extent of the current world order. There is in his work a certain power of synthesis, that connects theology and intellectual history via a diverse range of modern thinkers—from illiberal conservatives to heterodox leftists—achieve a vantage from which Pabst can apparently comment with ease on nearly every aspect of politics and economics in the past and present. But his simplistic historical panoramas, idiosyncratic readings of other thinkers, broad condemnations of modernity and vague claims about what must replace it fail to offer much of substance to readers concerned either to replace or defend the current form of international politics from liberal or illiberal grounds.

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A Populist World Order? Origins and Predictions

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INTRODUCTION

Rising populism[1] is a global phenomenon. While many scholars have written about the foreign policy of individual populist governments,[2] fewer have asked how populist governments might collectively reshape the world order. This essay explores just that question, examining how populism is changing the liberal world order.

Populism is often thought of as a bottom-up phenomenon: some harm (e.g. trade shocks, austerity, immigration, or cultural change) makes people rise up and embrace populist candidates. Instead, I argue that populism is predominantly about some elites[3] taking advantage of opportunity structures for power and profit. By highlighting stark distinctions between the people and elites (and anti-people), a subset of elites can craft a consistent electoral base allowing them to retain power with a smaller, but more loyal electoral base. Populists often exploit the tensions in liberal democracy between popular rule and the protection of individual liberties. The liberal world order's reliance on transnational and technocratic governance has amplified that tension, binding pluralist parties to defend unpopular and inscrutable policies. Populists, free from such constraints, can craft more durable political coalitions around smaller minimum winning coalitions.

As populists gain power, they are reshaping features of the world order. Partly this involves moving away from formal institutions, and toward those characterized by personal leader-to-leader connections. In addition, populist parties tend to endorse foreign policies that follow similar faultlines to those they rely upon in domestic policy. Collectively, both features entail new forms and patterns of cooperation and conflict among states.

This paper proceeds first by discussing the nature of world order, and the growing literature on populism on the world stage. Next, I establish a model of populism as an elite-led phenomenon. Finally, use emergent evidence to gauge what a populist world order might look like. The focus of this piece is primarily directed at those states most deeply embedded in the liberal world order, i.e. those in Latin America, Europe, the United States.

WHITHER THE LIBERAL WORLD ORDER?

What is the liberal order? International relations scholars have long discussed world order, which I understand here as: "the distribution of power and authority among the political actors on the global stage" (Falk 1999, p. 29). The liberal world order, then, might be understood as the rules and institutions that have governed the international system since 1945.[4] This definition is broader than some others, in that it makes no assumptions about the aims of the order, nor the precise actors within it.[5] Differing accounts often discuss order in terms of their own preferred master variables. Structural realists[6] argue that international system is anarchic and thus order reflects the relative power of actors in the system. Liberals[7] emphasize the presence of well-designed institutions that promote cooperation. Constructivists stress norms.[8] But these are arguments about the causes of order, not definitions.

How do orders change? Many schools of thought posit that order is provided by a single dominant "hegemon," whose primacy enables it to escape insecurity.[9] There are dueling accounts of the precise nature of hegemony. Variously, the hegemon might be militarily dominant in a given region (Mearsheimer 2001), the country with the largest GDP (Organski and Kugler 1980), or the leader in technology and power projection capability (Modelski and Thompson 1996). In some accounts, hegemons provide public goods and global governance (Kindleberger 1973). Other works argue that hegemons operate in tandem with other actors, forming a dominant club of insiders driving global governance decisions (Kim and Gowa 2005; Bailin 2005; Lascurettes 2020). Indeed, a common challenge has been the tendency to speak of a European or western order as *the* world order.[10] A common theme among these works is the idea that world orders rarely outlive the hegemons that create them. Moreover, because economic capacity diffuses over time, hegemons cannot sustain their power indefinitely (Gilpin 1981). Hegemonic decline, in turn, brings about a return of great power competition and the collapse of old orders. In such estimations, the liberal world order is unlikely to survive American decline.

Others see order as less dependent on hegemonic power. Some scholars argue that institutions and interdependence can facilitate cooperation absent hegemony. Keohane (1984), for instance, argues that rational, self-interested states can overcome the problems of anarchy by constructing institutions with a series of desirable features (e.g. lengthening the shadow of the future). Ikenberry (2001, 2011) argues that rational hegemons at the apex of their power create constitutional orders, anticipating future decline. In his view, a liberal world order can survive by offering fair rules to rising states, much as democratic constitutions ease transitions of power domestically.[11] Yet his thinking faces some internal tensions—it is a liberal vision that relies on hierarchical power at least initially (and potentially on an ongoing basis to sustain the order). Other liberal traditions posit different pathways to order. The commercial peace envisions economic interdependence overcoming conflict and forming a basis for cooperative interactions (Gartzke 2007). Others emphasize the domestic features of liberal states as being conducive to cooperation. This includes the august democratic peace tradition (Oneal et al 2003). Elsewhere, Deudney (2007) revives republican security theory, positing that there is an alternative to hierarchy and anarchy that he calls negarchy, in which actors bind themselves internally in order to avoid both the extremes of anarchy *and* hierarchy. For instance, he argues that the early United States was a negarchy, resolving the challenges of anarchy among American states in the Philadelphian system.[12] Yet others have pushed against the strict understanding of power as zero-sum. For instance, states might hold *structural* power because of where they sit inside networks of interactions, and not necessarily because of their capabilities themselves. Although material capabilities might diffuse, structural power could exhibit considerable path dependence.[13]

A third group of scholars examine questions of identity and legitimacy to understand order. For instance, Wendt (1993) argues that anarchy is what we make of it—our view of ourselves and others, formed inter-subjectively, shapes how world politics play out. Others fuse the role of power and institutions with questions about legitimacy. For instance, Ruggie (1982) describes the emergence of an international regime after the Second World War defined by "embedded liberalism". Keynesian ideas encouraged states to reconsider the legitimate purpose of power. The emergence of neoliberal ideas, in turn, may represent a reconfiguration of that order (Blyth 2002). Even some classical realist accounts have sought to include such factors. For instance, Lascurettes (2020) describes world order as an order of exclusion. Leading states set the rules in ways designed to forestall potential future material or ideological threats. Similarly, Cooley and Nexon (2020) describe the ideational challenges faced by the American-led hegemonic order as rising powers wield increasing influence inside the order, establish a counter-order, while also promoting counter-hegemonic ideologies that exist inside the United States and its allies. Diversity may not always mean conflict, however. Drawing from a broader study of world orders (including many non-western cases) Reus-Smit (2018) argues world orders are primarily structures that manage cultural diversity. For instance, he argues the US-led order in Asia stitched together states, such as South Korea and Japan, with directly clashing cultural memories of the Second World War. Orders manage difference by suppressing some cleavages, while highlighting others.

Less discussed is the question of whether one can change orders by fiat. Hayek's (1978, pp. 35-54) distinction between naturally evolving orders (cosmos) and constructed orders (taxis) is useful in this regard. In his view, the latter model was ill-suited to complex systems, many of which find themselves embedded in other systems. In particular, Hayek distinguishes between law, which he sees as a set of rules evolved to guide human conduct, and legislation, the act of writing down those rules. Some international relations theorists see world order as a taxis—order depends on a singular hegemon, set of shared rules, or shared idea. For Ikenberry (2001, 2011) order depends upon a singular constitutional order with fair rules, in practice created by a hegemon after a major war. Yet there are many rich traditions, such as the commercial peace (Cobden 1878; Gartzke 2007), balance of power theory (Morgenthau 1978), or the English School of international relations (Onuf 2002) that see order emerging over time via complex interdependence and interactions. At times, the single-minded pursuit of a specific objective may undermine the underlying systems that made that project possible. For instance, it might be possible in the short-run for some hegemonic actor to promote liberal democracy by coercion, but one wonders how ongoing war-making might undermine democracy inside the hegemon (Deudney 2007, p. 56).

The law of unintended consequences may well apply to international order. The international system tends to be governed weakly by a single state, allied with a club of insiders that gain special privileges from their association with the leading economy. Dominant states often seek to elevate particular institutions and principles in order to justify that order. Political eco-systems often grow out of those orders, shaping national incentives—at times in ways the designers of the order might not anticipate. The evolution of the liberal world order offers a useful illustration. American representatives (e.g. Harry Dexter White) at Bretton Woods sought to use American power to establish an economic order of "embedded liberalism" that would protect workers from global economic fluctuations (Ruggie 1982). However, by the 1970s, the costs of maintaining that order (e.g. maintaining the gold standard) grew too great. Declining relative material American power in the 1970s, saw the United States move away from the world of "embedded liberalism", toward a new, neoliberal world order, enhancing American *structural* power. In a world of free trade, the United States—by far the dominant naval and air power—enjoyed the ability to cut off others from the bountiful global commons (Posen 2003; Lee and Thompson 2017). In a world of mobile capital, American centrality within global capital networks offered it outsized influence.[14] In a world of open migration, too, the United States could remain the leading global innovator despite having only a small fraction of global population.[15]

The recalibration of the liberal world order shored up American structural power, but increased flows of goods, people, and capital; their aftershocks, and the new institutions required to govern them created new political constellations. The move toward neoliberalism entailed longstanding fights against those interests that had benefited from embedded liberalism (e.g. organized labor and import-competing industries). Often, the successful implementation of neoliberal policies depended on political jujitsu that split older coalitions. This could be economic, such as with Thatcher's sale of council homes to residents, shifting many Britons into being homeowners, but also racial (e.g. dog-whistle rhetoric on the welfare state). Transnational bureaucratic governance was an important force in the diffusion of such policies as well, from developing countries reforming under IMF management to European Union members adhering to EU accession criteria. Clever use of two-level games could allow politicians to launder unpopular policies to technocratic agencies and even gain politically from backlash against them (Putnam 1988). For instance, British Prime Minister David Cameron simultaneously courted Euroskeptic voters with the promise of a Brexit referendum, while using the threat of secession to negotiate with the European Union. The problem was that these clever plans to implement (neo)liberal policies often undermined the long-term basis of liberal politics by uprooting civil society groups, or by cultivating political coalitions with a distinctly illiberal turn.

Populist parties have surged by seizing the opportunity structures created by neoliberalism, and are now reshaping world order themselves. From a standpoint of hegemonic power, the global flows of goods, people, and capital that undergird American structural power have received the ire of populists of different stripes. Many populist leaders have advocated shifts in longstanding alliance structures—from Hugo Chávez's formation of the Bolivarian Alliance (ALBA) to Donald Trump's musings about leaving NATO (Burnes and Cooper 2019). Most populist leaders have been critical of international institutions and global technocrats, from a left populist critique of the International Monetary Fund, to Euroskepticism among populist radical right (PRR) parties. Some have concluded that populist ire toward the liberal world order indicates that populists are simply destroyers of order. Such a view is myopic, however. Although populists chafe at the liberal world order, one can find regularities in their behavior on the world stage.

POPULISM ON THE WORLD STAGE

What do we know about how populists operate on the world stage? Most scholarship has been focused on the question of why people vote for populist parties. In part, this attention has reflected a notion of populism as an aberration. Often, scholars have debated whether cultural or economic anxiety is to blame has raged for years without a definitive answer.[16] Relatively less attention has been paid to the question of how populists govern.[17] This is a significant omission as populists have long featured in many political systems (e.g. France, Argentina, and Italy).

Recent works have brought greater attention to the role of populists in foreign policy. Many draw from the idea that foreign policy is shaped by the domestic ideology of the state (Rathbun et al 2016).[18] Following the notion that populism is "thin-centered" some works argue that populism will follow its *thick* features. If true, populist parties of different ideological stripes should act quite differently on the world stage. For instance, Verbeek and Zaslove (2015) examine the role of the Lega Nord as a junior partner in the Berlusconi government, arguing that the Lega was not especially opposed to international cooperation, when cooperation fit its core goal of reducing migration. Similarly, Coticchia and Vignoli (2020) compare foreign policy votes by the right-wing Lega Nord with the more ideologically ambiguous Five Star Movement (M5S), finding a considerable gap in most areas apart from migration.

Other works argue that the features of populism itself are also important. For instance, Destradi and Plagemann (2019) explore whether populists are more likely to provoke conflict, weaken international institutions, centralization and personalization of foreign policy, looking at the foreign policies of a number of populist leaders. They argue that populist leaders tend to centralize international decision-making, amplifying shifts toward a more multipolar international system. Other works stress ways in which populist leaders seek to emphasize populist themes in foreign policy, fomenting a sense of crisis, picking external conflicts that their preferred frame of "the people" versus "the other", and general disdain for international law (Leslie 2017; Hall 2021).

Whatever the goals of populist parties, they must weigh those goals against domestic and international constraints. For instance, some scholars have looked at the role of populist parties inside coalition governments, finding that even when they disagree with their partners on larger questions, populists do not cause the collapse of the government over foreign policy issues (Verbeek and Zaslove 2015; Coticchia and Davidson 2018). In a similar illustration of the primacy of domestic politics, McDonnell and Werner (2020) look at the formation of party groups inside the European Parliament by PRR parties. They explain the persistence of three different populist groupings in EU parliament. In their view, the European Conservatives and Reformists Party (which included the British Conservatives) was a "respectable marriage" legitimizing populist parties in their home countries for electoral advantage. However, the maintenance of respectability required the bloc not to admit more controversial parties. The European of Freedom and Direct Democracy was a "convenient marriage" consisting of divergent parties—the United Kingdom Independence Party and the M5S—in search of the institutional advantages of being a larger party. Only in the Europe of Nations and Freedom (ENF) was a "marriage of love" among PRR parties that genuinely wished to advance a larger populist project.

Similarly, populist parties navigate an international system that may enable or limit their freedom of action. Many great powers promote friendly ideologies in order to pursue their goals. Some great powers may view populists as better partners than their pluralist counterparts. Russian President Vladimir Putin promoted populist parties when their euroskepticism aligned with his strategic goals (Polyakova 2014; Chryssegelos 2017). Nexon and Cooley's (2020, pp. 137-158) similarly examine China and Russia's promotion of counter-order movements as part of a larger attempt to reshape world order. Putin was happy to engage with organizations like the World Congress of Families bringing together right-wing activists around the world to engage in activities like framing, shaming, naming, and pressure politics discussed by scholars like Keck and Sikkink (1998). However, China and Russia have also promoted left-wing populist regimes at times. For instance, both provided aid to Venezuela and sought to uphold the legitimacy of Nicolás Maduro, the successor of Hugo Chávez, in the face of competing claims of legitimacy from Juan Guaidó (Herrero 2019). External factors can also constrain opportunities for populists. For instance, Sagarzazu and Thies (2019) examine how the anti-imperialist rhetoric of Chávez depended on high oil prices.

At times populist leaders do not just navigate constraints, but reframe the foreign policy landscape. For instance, Boucher and Thies (2019) examine the social network of Trump tweets and retweets on trade. Populist frames figured highly in the tweets by the cluster of Trump supporters. Indeed, this might explain the dramatic shifts in voter attitudes toward trade within the United States following Trump's entry into the 2016 Republican primary. Republicans shifted from leaning towards free trade to endorsing protectionism.[19] Of note, the effects of populism are not limited to supporters. Opponents of the populist leader may oppose policies specifically because the populist leader supports them. For instance, Democrats increased their support for free trade as Trump campaigned against NAFTA. Nor are these effects confined to the originating country. Boucher and Thies (2019) found that a number of pro-Brexit accounts also frequently retweeted Trump. Foreign policy may not always flow smoothly from abstract beliefs or national interests, the polarizing impact of populism may align voters (populist and non-populist alike) primarily on the basis of whether a given issue is for or against the populist leader. For instance, Hanania and Trager (2020) found American liberals and conservative views on humanitarian intervention depended greatly on the identity of the perpetrators and victims, and how they mapped onto American politics.[20]

While extant works have done a good job of exploring the foreign policy of individual populist parties, recent years have seen the simultaneous rise of *many* populist governments. The presence of many populists may surpass critical thresholds that change the way world politics operate. A single state operating in a system where most other states has opposed ideologies (e.g. Revolutionary France, the Soviet Union pre-1945, and post-1979 Iran) will face significant limits on its action. However, when many states share a common ideology, they can command collective weight, construct favorable institutions, and legitimize their core ideas.

POPULISM AS AN ELITE-LED PHENOMENON

Populism often confuses scholars. While populists frequently argue that politics should follow the popular will, they understand democracy differently from most contemporary democratic theorists. Populist leaders are not simply listeners-in-chief, rather, they seek to rhetorically embody the people as Vox Populi (Urbinati 2019). Strikingly, the forums that populist leaders create to "express" the will of the people—from Trump's Twitter account to Beppe Grillo's blog to Chavez's *Alo Presidente*—generally lack a means for popular input beyond popular acceptance of the themes embodied there. Even where populists create such mechanisms, the result is often wanting. For instance, the Rousseau voting system was often manipulated by leaders to influence the outcome (Mosca 2018).

Since populists often fail to follow the will of the people, some scholars have instead focused on the "thick" aspects of populism (Art 2020). Yet populist leaders are notoriously inconsistent in their political beliefs. Viktor Orbán entered politics as a liberal, before embracing an agenda of *illiberal* democracy (Lendvai 2018, pp. 9-24). Argentina's Justicialist Party was a somewhat pro-worker populist party under the Peróns, a neoliberal populist party under Carlos Menem, and finally a pink tide populist party under the Kirchners (Finchelstein 2019, p. 102). Before governing as a tax-cutting president, Donald Trump had floated a Reform Party presidential run with a platform that featured a 14.5% wealth tax (Hirschkorn 1999). The thick element of populism is rather thin.

Populism is not about the people, and it is only secondarily about "thick" agendas. Rather, populism is about *interests*. It is a strategy adopted by some elites to exploit the tensions within liberal democracy in order to gain power and its attendant benefits. Selectorate theory is useful for understanding the political problem of liberal democracy combined with transnational technocratic governance (Bueno de Mesquita et al. 2005). Broadly speaking, governments serve the interests of the selectorate—the group of people necessary for a government to take office. In an authoritarian regime, the selectorate might be quite small (e.g. the military and a few regime insiders). In a democracy, the selectorate is larger, entailing at least a substantial plurality of voters. Policies that benefit only a narrow group (e.g. rent-seeking) are more difficult to implement in such an environment.

But liberal democracies are not *only* democratic. They also uphold the rule of law and the protection of basic rights of citizens and non-citizens even against majority will. Norms of forbearance between parties, too, might limit the scope for political action, at least among pluralist parties committed to liberal democracy.[21] Practical considerations limit majority rule as well. Certain functions, from the judiciary to central banks might be better performed with an arm's length from political control to avoid political business cycles or self-dealing. At times such bodies may even be transnational, further limiting the influence of ordinary citizens.[22]

Although citizens are the only ones empowered to decide who rules, leaders committed to liberal democracy must also serve the interests of non-citizens, bound to honor international agreements, or to adhere to the monetary policy selected by independent central bankers. In other words, liberal democrats are bound to do things that are unpopular—to serve interests that are outside the selectorate. Populists can often craft more politically compelling programs by attacking those policies that reflect international compromises, the inscrutable decisions of experts, or unpopular judicial defenses of individual liberty.

What do populist programs look like? Populists craft a vision of "the people" that excludes large swathes of the electorate. This is clearest for PRR parties whose vision of "the people" implies the legitimacy of some ingroup, and the illegitimacy of various outgroups. Left-wing populists may not be as exclusive, often drawing on the poor for support. However, they often denounce their political opponents as fundamentally illegitimate. For instance, when Bolivian President Evo Morales, he attacked them as inauthentically indigenous (De la Torre 2017a).

Populist leaders reap political benefits by attacking both domestic and international institutions that pluralist politicians are bound to defend. As a result, voters will increasingly associate pluralist parties with technocrats, elites, and the anti-people. Mass clientelism—emphasizing economic policies that redistribute resources to supporters while excluding opponents—is one avenue by which populist leaders can craft durable political coalitions (Müller 2016). For instance, let us contrast the economic bargain offered to voters by neoliberal and PRR parties. The former urge voters to support free market policies—some on the basis of direct benefits (e.g. tax cuts), but also others on the basis of positive spillovers (that will benefit non-supporters too). In contrast, by dispensing with universal access and embedded international institutions, PRR parties can offer more targeted benefits—welfare chauvinism for ingroup members or targeted protection for workers in strategic areas (e.g. Donald Trump's efforts to push China to purchase American soybeans) (Swanson and Rappeport 2020). Moreover, populists can adopt more efficient coalition-building strategies because they are less constrained, appealing to groups of single-issue voters with stances on social issues that violate liberal norms, the rule of law, or international law. In some cases, these positions involve shrinking the selectorate further by disenfranchising portions of the electorate.

Why build a small winning coalition? Following selectorate theory, a smaller base of support gives elites more leeway. Absent restraints, elites aligned with the populist party are freed up to engage in rent-seeking. Understanding populism as a means to expand rent-seeking opportunities inside a democracy can help account for a stylized fact about populism that other approaches cannot: populist regimes are uniquely corrupt even by the standards of their own countries, and certainly in direct contradiction to populist rhetoric. Critically, populists are often successful at rent-seeking *without* experiencing significant political consequences.

Hungary's Viktor Orbán is an illustrative case,[23] Explicitly advocating a vision of *illiberal* democracy,[24] Orbán's rule is characterized by rhetoric distinguishing "the people" from elites and the anti-people. This involved appealing to Hungarian irredentism (e.g. invoking the Treaty of Trianon) and attacks on Muslims, the Roma, or anti-semitic allusions to the power of financier George Soros.[25] In office, Orbán administered an agenda of welfare chauvinism—mixing heterodox and orthodox policies so as to favor supporters and exclude opponents. For instance, he nationalized the pension fund, while imposing special taxes on foreigners (Szrika 2014). However, supporters of the regime were often shielded from austerity. For instance, Orbán eliminated taxes on women with more than four children, arguing that doing so would reduce Hungary's reliance on Muslim immigration.[26] Simultaneously he subsidized firms associated with his party as part of an effort to create a "patriotic cohort of entrepreneurs."[27] Institutions critical of the government often found themselves under attack—Central European University was even forced to relocated to Vienna.

Although a full accounting is beyond the scope of this paper, similar stories abound for other populist leaders—including Donald Trump,[28] Italy's Silvio Berlusconi,[29] Lega Nord leader Umberto Bossi (Brechenmacher 2017). Austrian Freedom Party leader Heinz-Christian Strache (Scheutze 2019), extensive pursuit of Russian assistance by PRR parties,[30] Venezuelan President Nicolás Maduro,[31] (Corrales 2020), the Kirchners in Argentina,[32] Rafael Correa (Cabrera 2020) in Ecuador, and Evo Morales (Lehoucq 2020) in Bolivia. The point is not that populists alone are corrupt, but that the ways in which they reshape politics facilitate corruption with fewer political consequences because of their reliance on a smaller deeply committed base, as opposed to a broader less intense one. Armed with a model of populism, let us turn to the world stage.

A POPULIST WORLD ORDER

While numerous works have examined populist foreign policy, none has examined what would a populist world order look like. Populist parties themselves present conflicting visions—from the Chávez's anti-neoliberal ALBA,[33] to the hypercapitalist Singapore-Upon-Thames of the Brexiteers (Baker and Lavery 2018). From the Front National's "Euronat"[34] to the M5S's visions of cosmopolitan direct democracy.[35] Despite these stark contrasts there are common themes.

Let us focus on two important aspects of world order. First, world orders differ in their reliance on formal rules. While the current liberal world order is strongly formal, less formal rules can also provide the basis for order (Lascurettes 2020, pp. 20-22). Would a populist world order rely primarily on more or less formal rules? Second, as both Reus-Smit (2018) and Lascurettes (2020) note, an important aspect of a world order lies in the forms of diversity and types of conflict that the order suppresses or elevates. For instance, the Liberal World Order sought to suppress fascism and communism (Lascurettes 2020, pp. 173-178). What patterns of cooperation and rivalry would a populist order suppress or elevate?

To answer these questions I turn to what is fundamental to populism. Populists take power by elevating a binary distinction between "the people" and elites/anti-people. Their aim is to stay in power, while maximizing rent-seeking opportunities. I contend that populists on the world stage benefit by developing informal, personalistic connections over formal ones in order to maximize rent-seeking opportunities, and secondly, that they seek to heighten those distinctions that correspond with their definitions of "the people" and the elite/anti-people. Each of these features are summarized below in **Table 1.1.** Let us take each point in turn, with a particular focus on PRR parties in the United States and Europe, and Latin American populism.

Table 1.1: Forms of Cooperation across different world orders, 1944-

	Embedded Liberal World Order (1944-1971)	**Neoliberal World Order (1974-2018)**	**Populist World Order (2019-)**
International Institutions	Formal	More formal	Less formal
Patterns of cooperation	Regime type	Commercial	Civilizational (PRR) or South-South

INTERNATIONAL INSTITUTIONS

The liberal world order operates through formal organizations with specialized, professional bureaucracies. This alphabet soup of organizations includes the IMF, the World Bank, NATO, the European Union, the WTO, and the G-7. Simultaneously, the United Nations offers a second layer of technocratic global institutions that are more inclusive but hamstrung by internal division. The emphasis on formal rules and technocratic governance is not an accident—such structures can increase interstate cooperation even in the face of the prisoner's dilemma.[36] Rule-based systems are a natural way to try to uphold universal human rights and comprehensive frameworks for global commerce. Such organizations are not without biases—insider states (e.g. the United States and its core allies) receive favorable treatment in global governance,[37] and bureaucrats represent a powerful interest unto themselves.[38]

Although democratic publics might like the outcomes produced by the rules-based world order, its processes are inscrutable to most. Consider the response of the Federal Reserve to the crises of 2008 and 2020: the Fed created swap lines to provide other countries with dollars as needed, while also engaging in quantitative easing to provide liquidity to the global financial system (Helleiner 2014). Few voters understand monetary policy,[39] and few seem inclined to cheer the idea of unelected central bankers seemingly sending billions of dollars to foreigners. At times, international and bureaucratic channels are employed specifically *because* they can enable governments to do unpopular things. International institutions enable governments to delegate decisions, while also laundering blame (Putnam 1988). Scholars of the European Union are well-acquainted with the ritualized dance by which leaders delegate difficult decisions to the European Council, and then complain about the results (Goodhart 2007). The rise of populism itself owes itself in part to the discrepancy between notions of popular rule and the practice of transnational governance. The liberal international order relies on rational-but-inscrutable actions that are easy targets for populists (Pevehouse 2020).

There are good reasons to believe that populists will pull back from engagement with formal international institutions, particularly where such engagement requires the creation of bureaucratic specialists. The vast majority of successful populist parties are hostile toward multilateralism.[40] For instance, in the 2019 Global Party Survey, major[41] populist parties around the world averaged a score 2.8 out of 10 in their attitudes toward multilateralism (zero indicating strong opposition, and ten indicating strong support) (Norris 2020).

Rather, personal diplomacy offers significant advantages to populist leaders. One-on-one meetings between populist leaders (or affiliated elites) and foreign actors can enable some bargains that formal negotiating processes would ordinarily exclude. Most importantly for populist leaders, personal diplomacy offers them the possibility of expanding the agenda to include their personal political and financial interests. On the political side, populist leaders can take direct credit for outcomes, particularly if they occur amidst the spectacle of global summitry.

Populist governments on the world stage often push against formal global governance. The Trump presidency offers some of the clearest examples. Trump withdrew the United States from the Paris Climate agreement (Friedman 2019), refused to staff the World Trade Organization (Swanson 2019), abandoned the planned Trans-Pacific Partnership (Baker 2019), and pulled out of the World Health Organization amidst the COVID-19 pandemic (Hinshawand Armour 2020). Although Trump backed away from more extreme ruptures (e.g. leaving NATO or abandoning NAFTA) he levied tariffs on friend and foe alike (Swanson and Austen 2020). It is difficult to square these moves with the American national interest. For instance, tariffs on intermediate goods produced by close trading partners like Canada raise production costs for key American industries.

Despite his antipathy to formal institutions, Trump was not against negotiations when they benefitted him politically. For instance, in negotiating a pause on the trade war with China, Trump insisted that China directly purchase soybeans, crops grown in politically important American states (Swanson and Rappeport 2020). So important was this deal to Trump, that he avoided criticism of China early in the COVID-19 pandemic. Trump's border agreement with Mexican President Andrés Manuel López Obrador (AMLO) allowed Trump to shift some of the political challenges of immigration enforcement to Mexico (Agren 2020). Informal deals with authoritarian leaders abroad enable populist leaders to give up policy concessions for politically or personally beneficial gestures. Jared Kushner's gulf state diplomacy is a notable example. Kushner negotiated the normalization of relations between Israel and the United Arab Emirates, just before the 2020 election, while the Trump administration pushed for the sale of advanced F-35 fighters to the UAE (Mazzetti and Wong 2020). Such informal, unenforceable agreements do not always deliver, however, and may push populist leaders to become apologists for authoritarians abroad. For instance, President Trump and North Korean President Kim Jong Un made an agreement that entailed North Korea ceasing long-range nuclear tests. When North Korea carried out short-range nuclear tests soon after, President Trump downplayed the violation, arguing that Kim wouldn't "want to disappoint his friend, President Trump" (Salama and Jeong 2019).

For European PRR parties, hostility to the European Union is a uniting factor. The most obvious case of this is in Britain, where Euroskeptics pushed the governing Tories into holding a referendum on EU membership. In Italy, Lega leader Matteo Salvini similarly campaigned as a Euroskeptic. As the Lega and M5S negotiated a coalition government, Salvini wanted the author of a plan for an Italexit as his economy minister (Fabbrini and Zgaga 2019). In France, Marine Le Pen also expressed support for a "Frexit" (Le Pen 2016). Yet international institutions sometimes present opportunities to populists. As McDonnell and Werner (2020) note, different PRR parties engaged in diplomacy inside European parliament, with some parties forming alliances in order to maximize resources (the EDD), or to gain legitimacy (the ECR), or to advance a populist vision of Europe (the ENF). More recently, many PRR parties have opted for the latter route. For instance, Viktor Orbán and Marine Le Pen recently met to attack the "ideological brutality" of the European Union amidst criticism of democratic backsliding in Hungary.[42] At times, the PRR has also sought to use other institutions to accomplish its policy goals. For instance, Salvini once called on NATO to help Italy deal with flows of migrants. In other words, in instances of common strategic goals (e.g. overcoming *cordons sanitaires* against PRR parties) or shared policy goals, PRR parties often cooperate inside institutions.

Left-wing populists are suspicious of the Bretton Woods institutions they see as tools of American capital. Hugo Chávez paid off Venezuela's debts early and left the IMF (Swann 2007). Similarly, Rafael Correa expelled the World Bank country director for Ecuador upon taking power.[43] At times, populist leaders have even undermined their domestic agendas in pursuit of international autonomy. For instance, AMLO largely avoided passing stimulus measures during the COVID-19 pandemic (Pérez 2020), fearing the sovereignty-reducing impact of a debt crisis.

Yet opposition to the Bretton Woods institutions does not imply opposition to all formal institutions. For instance, Chávez launched ALBA and the Bank of the South. In practice, however, these institutions did not alter existing patterns of economic interaction. ALBA members predominantly consist of raw materials exporters—there are limited prospects for trade along comparative advantage lines. The Bank of the South, in turn, has yet to be capitalized.

Initially, high oil prices funded Venezuelan petro-diplomacy, diffusing the "Bolivarian" political model. Chávez funded candidates in other Latin American countries, promoted civil society organizations, created informational systems (e.g. Venezuelanalysis), and provided loans of oil to other countries through Petrocaribe (De la Torre 2017b). However, Venezuelan largesse dried up when oil prices fell. Rather, it may be more useful to see ALBA as an epistemic community through which populist leaders in Latin America collectively approached policy challenges.

One way Latin American populists have found an alternative to Washington-led institutions was through less formal interactions with China. China often provided large loans to Latin American countries, with few explicit strings attached. Chinese aid (Dreher et al 2018) and foreign direct investment from China's state-owned enterprises[44] follows political patterns, requiring that recipients take particular stances (e.g. not recognizing Taiwan). However, many populist governments might prefer those stances anyway, as they help lock in their pivot away from Washington. Some evidence suggests that Chinese aid promotes corruption (Brazys et al. 2017; Isaksson and Kotsdam 2018). This too seems unlikely to deter rent-seeking leaders. Just as countries have long attracted foreign aid by adopting institutions complementary to American legal norms, the rise of China as a donor and investor creates a similar impetus for states able to join the transnational networks that define China's business elite (De Graaf 2020).

In short, most populists exhibit an antipathy to formal multilateral organizations. At times this antipathy is related to the "thick" ideological commitments of populist parties, for instance, PRR opposition to cosmopolitan institutions and left-wing opposition to pro-capital institutions. Although populists sometimes cooperate inside formal institutions, their common goals are often limited, and the results are lacking. Populists have broadly favored personal diplomacy over formal technocratic governance, because it enables them to take credit for positive developments, while also bringing their personal agendas to the bargaining table.

PATTERNS OF COOPERATION AND RIVALRY

A populist world order would also entail different patterns of international cooperation and rivalry. The Cold War saw cooperation follow ideological lines, with democratic/capitalist states forming one bloc, and communist states forming another. The neoliberal era, in turn, saw greater cooperation along commercial lines transcending ideological divides. I predict two outcomes in a populist world order: greater interstate cooperation along lines corresponding with populist distinctions between "the people" and elites, and secondly, greater authoritarian-democratic cooperation at the elite level. Let me turn to the logic of each, providing examples of these emergent phenomena.

Governments of all political stripes use foreign policy to tie future governments to their preferred political policies.[45] The most critical element of populism is the ability to slice the electorate into two distinct groups. Since PRR parties often draw an ethnic distinction between the people and elites/anti-people, they have strong political incentives to align with states with similar ethnic ties, and against states whose populations consist of outgroup members and institutions tied to cosmopolitan elites. For left-wing populists, "the people" are the poor, and the "elites" are the forces of global capital. Populist governments often advocate alignment strategies corresponding with these ideas, albeit subject to constraints (e.g. interest group pressure, national interest considerations).

PRR parties have aligned and balanced along the fault-lines they wish to heighten at home. In the west, that has often entailed alliances with majority-white countries, while invoking rivalries with majority-Muslim countries. The Russophilia of PRR parties is a striking example. Russia is not an obvious strategic ally to the west—it is a declining petrostate with goals that threaten the sovereignty of Eastern Europe. Russia is also allied with China, a country frequently cited by PRR rhetoric as a threat.[46] However, numerous PRR leaders openly advocate pro-Russian policies. During his 2016 primary run, Trump questioned whether the United States would intervene in the case of attacks on NATO allies, while musing about closer relations with Russia (Sanger and Haberman 2016). When Trump was constrained in pursuing this course of action by the near-universal opposition of the defense establishment, he instead reframed America's existing alliances along civilizational lines. For instance, in a speech discussing America's commitment to defend Poland, he made frequent references to Poland as part of "our civilization" and went on to say the following:

> What we have, what we inherited from our — and you know this better than anybody, and you see it today with this incredible group of people — what we've inherited from our ancestors has never existed to this extent before. And if we fail to preserve it, it will never, ever exist again. So we cannot fail.[47]

ENF members in EU parliament have consistently favored a pro-Russian foreign policy, despite inconsistencies with their prior positions. Even Eastern European states threatened by Russia have seen instances of populist Russophilia.[48] The Bulgarian populist party Ataka threatened to leave a coalition government if Bulgaria endorsed sanctions against Russia (Polyakova 2014), and Victor Orbán's Russian-friendly attitude is well-documented (Hopkins, Peel and Foy 2019). Although PRR Russophilia is partly instrumental—the Kremlin has actively sought to support Euroskeptic parties—the fact that Russia represents a conservative, white-dominated European country fits into PRR conceptions of ingroup and outgroup. Political scientists would do well to understand the ways that authoritarian regimes too can exercise soft power (Cooley 2015).

Alternately, a proposal to create CANZUK (a trade bloc including Canada, Australia, New Zealand, and Britain) is one project of post-Brexit British populists (Bell and Vucetic 2019). The idea of uniting the white dominions evokes nostalgia for the British Empire, and could reconcile the desire to create Singapore-Upon-Thames with the hostility of some Brexit supporters toward migration and trade. Simultaneously, by deepening economic ties other than EU-UK ones, such a move could forestall later efforts to rejoin the EU.

PRR leaders also invoke rivalries that highlight the ingroup-outgroup distinctions that run through their politics. In the United States and Europe this has often meant invoking civilizational conflict (Huntington 1993; Coker 2018). Anti-Muslim policies and rhetoric feature prominently. One of Donald Trump's first acts as president was a ban on immigration from six majority Muslim countries (Shear and Cooper 2017). Despite his own ostensibly anti-interventionist inclinations, he also played up the conflict with ISIS, and the rivalry with Iran—launching missile strikes on Iranian general Qasem Soleimani (Crowley, Hassan and Schmitt 2020). Notably, by targeting individual Muslims and the state of Iran, Trump was able to both reap the political benefits of stoking anti-Muslim sentiments while simultaneously engaging in profitable personal diplomacy with Iran's gulf state rivals. Trump's tenure was also characterized by hostility toward China, including the launch of a trade war against China, and hostile rhetoric attempting to blame China for the spread of COVID-19 (Restuccia 2020). In Italy, Salvini takes a similarly hostile line toward China, describing China both as a security threat and an economic one.[49] In France too, Marine Le Pen has called for greater engagement in the Indo-Pacific region to counter a rising China (Pene-Lassus and Shiraishi 2021).

The civilizational logic of the PRR does not always exclude non-white regimes, however. India, a country with a long-standing rivalry with Muslim Pakistan and neighboring China, looms more positively in populist rhetoric. For instance, as Boris Johnson's government called for deeper engagement in the Indo-Pacific highlighting the importance of the UK-India relationship (PMO 2021). For his part, Modi has been increasingly open to closer ties with western states, as he confronts a rising China. He and Trump enjoyed warm relations and a complementary style (Menon 2020). And his shifts away from India's pro-Palestinian stance,[50] may enable deeper ties with pro-Israel PRR leaders.

In contrast, left-wing populists have tended to favor south-south cooperation both via organizations like ALBA but more importantly through engagement with China and Russia. For instance, the tenure of Rafael Correa saw 90% of Ecuador's oil exports flow to China (Alvaro 2011). China, in turn, provided Ecuador ample credit, a hunger for natural resources and also Chinese surveillance technology (Mozur, Kessel and Chan 2019). The Maduro regime is an even more direct case of left populist orientation toward China and Russia. Faced with crashing oil prices, Maduro attempted to pay for Chávez era policies via monetary policy, resulting in hyperinflation (Pittaluga et al. 2021). Economic difficulties soon became political ones as Maduro faced a constitutional crisis. While China and Russia continue to back Maduro, the United States and its allies support the claim of opposition figure Juan Guaidó. Chinese and Russian support has enabled Venezuela to continue exports of oil, even in the face of US sanctions (Corrales 2020).

New patterns of engagement between leaders are important, not only materially but because of how they reshape norms and ideas. The spread of populism has created a great populist laboratory—populist leaders can observe how different frames sink or swim abroad. Simultaneously, populist governments can coordinate deliberately, legitimizing one another. For example, when Donald Trump advocated the use of hydroxychloroquine as a cure for COVID-19, he was joined by Brazilian President Jair Bolsonaro (Casarões and Magalhães 2021).

The interactions of populists and non-populists can also serve populist interests. Populists and authoritarian leaders may share attitudes about the restraints imposed by the liberal world order. This can include both the restrictions of global technocracy, but also liberal norms about human rights. For instance, when Donald Trump announced that he would consider rocks thrown by asylum-seekers as weapons, the Nigerian Army—under criticism for killing 42 protestors—happily posted Trump's speech on their Twitter account (Segun 2018). Much as Kim and Sikkink describe transnational activist networks overcoming blockages at home, populist leaders can work with leaders of countries with weak institutions to manufacture political realities. President Trump's attempt to press Ukrainian President Volodymyr Zelensky (or his oligarch backer Ihor Kolomoisky) to investigate his political rival, Joe Biden is a signature example (Becker, Bogdanich, Haberman and Protess 2019).

The landscape of a populist world order might well involve the strange combination of stark interstate rivalry, at times softened by personal business ties between leaders. Shared offshore accounts between elites in rival states might represent one way that conflicts could be papered over. Typically, IR theory has explored the idea that interdependence will lead to peace from the standpoint of the nation-state, but the question of whether inter-elite economic interdependence can also forestall war has not received scholarly attention.

CONCLUSION

World orders are characterized by a marriage of power and norms about the legitimate purpose of the state. The rise of numerous populist parties inside the liberal world order is reshaping the present world order. Domestically, the modus operandi of populist parties is to promote a Manichean division between the virtuous people, and corrupt elites (or associated anti-peoples). The liberal world order has given populists no shortage of opportunities to make this argument, by relying on modes of transnational governance that are inscrutable to the public, or inclined to defend unpopular policies. In practice, the aim of populists is often to craft political coalitions that are large enough to win but small enough to overlook rent-seeking. When populists turn their attention to the world stage, it is primarily for two purposes: to heighten the divisions that animate their politics, and to expand the opportunities for rent-seeking on the world stage.

Populists seek a world order defined by personal leader-to-leader interactions, and less by a rules-based order. If successful they will reshape world politics. For instance, the maintenance of economic globalization depends in part on institutions aimed at say, overcoming prisoner's dilemmas and solving public goods problems. Simultaneously, less formal cooperation opens up new opportunities for cooperation that transcend geopolitical fault-lines. The leaders of two rival states, might share personal financial interests. Many authoritarian regimes, and particularly China also contain networks of actors who conduct politics in a compatible manner to populists. International relations theorists need to do more to understand personal connections and how they impact world politics.

Simultaneously, populists often seek to raise the salience of their preferred distinctions between "the people" and everybody else. Here, right and left-wing populists each have a different set of natural friends and enemies. PRR parties have often viewed Russia as a natural ally, with China and the Muslim world as natural foes. In contrast, left-wing populists have emphasized south-south cooperation, and hostility to the United States. Inter-populist and populist-authoritarian dialog can reshape the bounds of legitimacy within the world order, while introducing new ideas into public discourse.

Some may object that populism is just a flash in the pan. Italy's M5S-Lega coalition government soon broke apart. Donald Trump lost the 2020 election. The populist-friendly Austrian Chancellor, Sebastian Kurz dropped his populist coalition partners following the Ibiza scandal, before resigning himself. In Orbán's Hungary, opposition parties formed a united front against Fidsez. The days when Venezuela's Bolivarian revolution was a polestar to emulate are gone. Yet, populist parties endure inside the liberal world order. Populists made significant gains in the 2019 European Parliament elections. Despite Trump's defeat, the American Republican party appears strongly committed to Trumpism—House Republican Conference Chair, Liz Cheney, lost her leadership position after challenging Trump's account of the 2020 election (Edmondson 2021). Much as the collapse of the Bretton Woods system reshaped the liberal world order, populism in the 21st century is doing the same thing.

NOTES

1 Populism is notoriously difficult to define, but much current work by political scientists uses the minimal definition of Mudde (2004, 2007). Populism is a thin-centered ideology that starkly divides the populace between the "virtuous" people and "corrupt" elites, emphasizing that the popular will should drive policy. Populism itself is often a vessel for other ideologies, which could be on the right or the left. In addition to being opposed to "elitism" the emphasis of the people as singular clashes with pluralism (Müller 2016). "The people" could be defined in ways that are more exclusionary (e.g. ingroup members), or more inclusionary. Frequently, populists also attack non-elite "anti-peoples" (e.g. unpopular outgroups) as being corrupted by elites (Mudde and Kaltwasser 2013). Debate continues over the relationship between populism and democracy. Some argue that populism is good for democracy (Laclau 2005), others that it undermines the institutions that shore up political equality (Urbinati 2019). See also Finchelstein (2019).

2 See Chryssegolos 2017, Destradi and Plagemann 2019.

3 By elites I mean a broad grouping that includes leading politicians, heads of government agencies, business leaders, labor leaders and also the leaders of consequential mass movements.

4 I leave open the question of whether the liberal world order is desirable, or even whether it is particularly liberal. For instance, Pabst (2018) argues explicitly that the present world order is illiberal.

5 For instance, Bull (1977, p. 8) argues for a purposive definition of order, entailing a host of goals including the sustenance of the goals of the society of states, the protection of state sovereignty, and the minimization of interstate violence.

6 For instance, see Waltz (1979), Gilpin (1981) and Mearsheimer (2001). Note that classical realists also emphasized the role of power in international relations, but saw leaders as exercising agency inside a system. See, for instance Carr (1939), Morgenthau (1978), Kissinger (2014) and Lascurettes (2020). Neoclassical realists, in turn, bring factors like domestic politics into the equation. See Rose 1998.

7 For liberal visions of order, see in particular Keohane (1984) and Ikenberry (2001, 2010).

8 See Wendt (1993, 1999). English school approaches also emphasize the role of norms, albeit alongside coercion and other forces. For instance, Buzan (2004) recast the English school as a structural theory, with a synthesis between English school ideas and constructivist ones. See also Goh (2013) and Reus-Smit (2018).

9 Many classical realists differed, viewing a multipolar system as preferable, for instance see Morgenthau (1978).

10 For instance, the present liberal world order contains a set of more inclusive institutions (e.g. the United Nations) and more exclusive ones (e.g. the Bretton Woods institutions). Some scholars have argued that these are complementary parts of the same order (Ikenberry 2001, pp. 107-114), while others disagree (Lascurettes 2020, pp. 173-178).

11 For a structural realist critique of the idea of liberal hegemony see Mearsheimer (2018).

12 See Christensen (2020) for a proposal for a version of interstate federalism using the Philadelphian system as a model.

13 For instance, see works on financial power including Strange (1990); Oatley et al (2013); Cohen (2018); Norrlof et al (2020).

14 See, for instance, Helleiner (1996); Oatley et al (2013); Lee (2020).

15 Foreign-born individuals represent 37.8% of all science and engineering workers requiring a doctorate (NSF 2020).

16 Arguments emphasizing economic globalization, austerity, or neoliberal policies as driving populism include: Colantone and Stanig (2018), Rodrik (2021), Brown (2019), Majlesi, Dorn and Hanson (2020). Works emphasizing cultural anxiety include Goodwin and Milazzo (2017); Sides, Tesler and Vavreck (2019); Norris and Inglehart (2019); Kaufmann (2019) and Fording and Schram (2020). For a more mixed view, see Howell and Moe (2020).

17 See Albertazzi and McDonnell 2015.

18 see Chryssogelos (2017) for a summary.

19 For instance, see Jones 2017.

20 The piece does not explicitly look at the effects of populism, but was contrasting conservatives and liberals during the Trump presidency. Similarly, Hanania (2021) finds that voter attitudes toward accepting refugees are mitigated considerably by the partisan leanings of those refugees.

21 See Levitsky and Ziblatt 2018.

22 See Goodhart (2007) and Brown (2019). Indeed, many of the key neoliberal and ordoliberal thinkers whose ideas are reflected in the present world order were cognizant of these tensions. See Hayek (1944) and Nientiedt and Köhler (2016).

23 Some might object that Orbán has a *large* minimum winning coalition—he has at times won a majority of the vote in Hungary. The stark divisions Orbán has emphasized within Hungarian politics enable him to maintain office (and even implement constitutional changes) while cutting the opposition out nearly entirely.

24 See Orbán 2014. See also Uitz (2020) for a discussion of Orbán's systematic constitutional changes.

25 See Lendvai (2018, pp. 111-125, 195); Forman 2018.

26 See Walker 2019.

27 This is a quote by Fidesz ideologist Andras Lanczi. See Buckley and Byrne 2017.

28 Wee 2018. See also Abutaleb and Paletta (2021, pp. 193-210) on irregularities in PPE procurement.

29 See McNally (2016, pp. 979-982).

30 See McDonnell and Werner (2020, pp. 211-213).

31 See Corrales 2020.

32 See Manzetti 2014.

33 See Attar and Miller 2010.

34 See McDonnell and Werner (2020, pp. 32-33).

35 See Casaleggio Associati 2008.

36 See Keohane 1984.

37 For instance, see Busch and Reinhardt 2000; Kim 2008; Copelovitch 2010; Kim 2010; Young 2012.

38 For instance, see Buchanan and Tollison 1984; Barnett and Finnemore 2012.

39 For instance, a recent survey of Dutch households found that the average person scored below 5/11 in a quiz of knowledge about ECB objectives (see Cruijsen et al 2015). Considering that some may have guessed correct answers, this speaks rather dismally of public knowledge.

40 The 44 populist parties holding at least 10% of the seats in their respective legislatures averaged a score of 2.8/10 (0 indicating strong opposition to multilateralism, 10 indicating strong support) in terms of their attitudes toward multilateralism (Norris 2020).

41 Defined as those parties holding at least 10% of the seats in their respective legislatures.

42 France24, En Hongrie, Marine Le Pen fait bloc avec Viktor Orban contre l'Union Européenne. October 26, 2021, https://www.france24.com/fr/europe/20211026-en-hongrie-marine-le-pen-fait-bloc-avec-viktor-orban-contre-l-union-europ%C3%A9enne <Accessed November, 2021>.

43 Ecuador expels World Bank representative. April 26, 2007, *Reuters*. https://www.reuters.com/article/uk-ecuador-worldbank/ecuador-expels-world-bank-representative-idUKN2644851220070426

44 See Stone et al (2021) for FDI.

45 See, for instance, Narizny 2007.

46 Orbán is a notable exception.

47 Cited in NBC News. "Here's the Full Text of Donald Trump's Speech in Poland," July 6, 2017, *NBC News*. https://www.nbcnews.com/politics/donald-trump/here-s-full-text-donald-trump-s-speech-poland-n780046 <Accessed July 2021>

48 One notable exception is Poland's Law and Justice Party.

49 See Verbeek and Zaslove 2015.

50 See Blarel 2020.

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Dr. Mengele, USA Style: Lessons from Human Rights Abuses in Post-World War II America

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Abstract: This paper explores U.S. government activities related to human experimentation after World War II. We emphasize how a proactive foreign policy, even in the pursuit of liberal ends, can undermine the rights and liberties of members the domestic populace. The typical primary justification for a strong military and proactive foreign policy is to protect the person and property of domestic people while reinforcing liberal values. But preparing for and engaging in war and foreign intervention, even if defensive in nature, often does the opposite in unseen and underappreciated ways. We discuss the implications of these tendencies and consider three responses offered by liberals—liberal empire, interstate federalism, and citizen-based defense.

Keywords: citizen-based defense, Cold War, Liberal empire, Interstate federalism, Operation Overcast, Operation Paperclip, World War II

JEL CODES: F50, F52, F54

1. INTRODUCTION

In July 1946, 20-year-old Helen Hutchison walked into the Vanderbilt University prenatal clinic in Nashville, Tennessee. Helen found herself pregnant after her husband had returned from combat in World War II. The pregnancy, however, had not been easy. During her visit to the clinic Helen's doctor handed her a small drink.

> "What is it?" she asked.
> "It's a little cocktail," her doctor replied. "It'll make you feel better."
> "Well I don't know if I should be drinking a cocktail," she responded in jest.
> "Drink it all. Drink it all down" (quoted in Welsome 1999, p. 220).

Helen did as her doctor ordered.

Three months later Helen's daughter, Barbara, was born. Not long after, Helen began to experience some frightening health problems; her face swelled, and her hair fell out. She then experienced two miscarriages, one of which necessitated 16 blood transfusions (Welsome 1999, p. 220). Baby Barbara experienced her own health problems from early childhood. She suffered from extreme fatigue and developed an autoimmune disorder and eventually skin cancer.

Unbeknownst to Helen, she and her unborn baby had been subjects in a government-funded experiment. She was one of hundreds of women who received an experimental “cocktail” between 1945 and 1947 during one of their prenatal visits, compliments of the U.S. Atomic Energy Commission (AEC), which provided the materials (Wittenstein 2014, p. 39). As part of a larger study on nutrition, the U.S. Public Health Services also provided the clinic a $9,000-a-year grant to conduct its research (Advisory Committee on Human Radiation Experiments 1996, p. 214). Like Helen, none of the women knew what was in the drink. Many had been told the cocktail contained some combination of vitamins meant to benefit them and their children—a bald lie (Thomas 2007, p. 39).

In fact, the drinks given to the pregnant women contained various doses of the radioactive isotopes iron-55 and iron-59. In their study with the pregnant women scientists hoped to determine if the radioactive iron would cross the placenta—it did. Not long after the women drank the “vitamin cocktail” they thought would help with fetal development, radioactive material began circulating in the blood of their children (Welsome 1999, p. 221). Like Helen, many of the other women and their babies experienced disastrous health effects—fatigue, hair loss, bruising, and swelling were common. Both the women and their children developed cancers. Research conducted years later found a causal relationship between the women’s radiation exposure and the subsequent health problems that plagued their children (Advisory Committee Staff 1995).

The 829 women of the Vanderbilt clinic were but a few of *hundreds of thousands* of individuals, mostly U.S. citizens, who would be subjected to illegal experiments and suffer human-rights violations during in the post-World War II period at the hands of scientists with funding and materials provided by the U.S. government. These experiments were meant to provide the government with information about the effects of atomic weapons on the human body to advance military capabilities in the name of “national security.”

This paper tells the story of U.S. government activities related to human experimentation after World War II. Our purpose is to emphasize how the pursuit of a liberal world order through a large (in both scale and scope) national security state can undermine the rights, liberties, and wellbeing of members of the domestic populace. Calls for the United States government to maintain or expand its presence in international affairs or to embrace the role of a global hegemon focus on the idea that the exportation of liberal policies and ideas will promote stability, wealth, and peace (see Lal 2002, 2004; Mitchener and Weidner 2004; Ferguson 2004; Ferguson and Schularick 2006). We illustrate how preparing for and engaging in war and foreign intervention, even if defensive in nature or in the name of liberalism, often does the opposite in unseen and underappreciated ways. Such actions are typically justified on the grounds that they are necessary to defend against external threats to the person and property of private persons. This justification, however, does not change the fact that the adopted means are inherently illiberal, resulting in a fundamental tension—the embrace of concrete illiberalism means in the name of potential liberalism ends.

Liberalism, from the Latin word “liber” or “free,” is the philosophy of individual freedom (Mises 1996, p. v; McCloskey 2019; Boettke 2021). Liberal values emphasize the primacy of individual freedom, maintain a deep respect for human dignity and intellectual humility, appreciation voluntary choice and association, freedom of expression, economic freedom, toleration, pluralism, cosmopolitanism, spontaneous orders, and peaceful solutions to interpersonal conflict. Efforts to promote liberalism through government planning, military primacy, and the disregard for basic human rights and dignities are at odds with these core values (Coyne 2022).

Our main contribution is to the scholarship exploring the role of foreign intervention on the growth of government (Higgs 1987; Coyne and Hall 2018a). This literature highlights that during interventions, the scale (size) and scope (range of activities) of government grows due to several forces. The first is fear of threats to safety and wellbeing (Higgs 2006). This fear results in a willingness by the citizenry to tolerate, if not demand, extraordinary actions by government. There is also a weakening of constitutional constraints, intended to limit opportunism by government, as the country unifies around the executive branch in the military effort for the good of “the nation.” As F. A. Hayek (1979, p. 124) succinctly noted, “‘Emergencies’ have always been the pretext on which the safeguards of individual liberty have been eroded – and once they are suspended it is not difficult for anyone who has assumed such emergency powers to see to it that the emergency will persist." This certainly describes the situation in America for the period we explore.

We proceed as follows. Section 2 discusses the period in which the United States emerged as a global power, paying particular attention to the attitudes surrounding human experimentation and the emergence of international laws aimed at curtailing such practices. This section is divided into two parts. Section 2.1. describes the ways in which Nazi war criminals were to be screened, immigration restrictions, and the adoption of new international codes. Section 2.2 provides a brief discussion of Operation Overcast and how the U.S. government began bypassing these new constraints. Section 3 explores how, beginning of the Cold War era, the U.S. government further eroded the constraints discussed in section 2 while importing Nazi scientists into the United States as part of Operation Paperclip. Section 4 presents a number of human rights abuses that occurred domestically during the Cold War at the behest of the U.S. government. Section 5 concludes with a discussion of the implications and three responses offered by liberals to the "paradox of government"—liberal empire, interstate federalism, and citizen-based defense.

2. NAZI GERMANY AND HUMAN EXPERIMENTATION

2.1 Human Rights Abuses and "Denazification"

At the conclusion of World War II, the world learned of the many atrocities committed by the Nazis. Of the countless crimes uncovered, some of the most heinous involved human experiments. The infamous Nazi doctor, Josef Mengele, for example, performed experiments on some 1,500 sets of twins in the Auschwitz concentration camp, including many children (Nordheimer 1991). He removed organs without anesthetics. If one twin died, the other would be promptly murdered so that simultaneous autopsies could be performed (Walker 2015).

In other experiments, subjects were submerged in water at various temperatures to see how long they could survive. The Nazis hoped the experiments could help the Luftwaffe (the Nazi air force) prevent and treat hypothermia in pilots (Berger 1990). Scientists placed other prisoners in low-pressure chambers to simulate high altitudes to understand how pilots' bodies reacted when they ejected from aircraft. Of the known 200 subjects forced to participate in these experiments, 80 died. Those who lived were promptly drowned so their brains could be dissected (Cockburn and St. Clair 1999, p. 149).

Following the Nuremberg trials, the U.S. and other Allied governments pursued three goals. First, they wanted to guarantee that those who held the Nazi ideology and committed war crimes were barred from political office, publishing, teaching, and other positions of authority. To accomplish this goal, every adult German was required to provide a verified account of their political affiliations and activities during the war. A "denazification court" reviewed each case and sorted individuals into one of five categories—"Major Offenders", "Offenders", "Lesser Offenders", "Followers" and "Persons Exonerated" (Control Council Directive No. 38. 1946)—depending on their involvement with the Nazi Party, the German Armed Forces, and their involvement in war crimes or related activities.

Second, they sought to ensure that no Nazis would be allowed to leave Germany. President Harry Truman, for example, banned the immigration of former Nazis to the United States, and additional immigration laws strictly prohibited those with fascist ties from setting foot on U.S. soil (Hunt 1991, p. 13).

Third, they strove to ensure that the atrocities committed in the concentration camps were never again repeated. In accordance with this goal, the Allies drafted what came to be known as the Nuremberg Code on scientific research. The Code outlined six (later updated to 10) protocols that define permissible medical experiments, including a provision to "avoid all unnecessary physical and mental suffering and injury" and a provision allowing for subjects to stop an experiment at any time (The Nuremberg Code 1947, p. 1). Most important, however, the Nuremberg Code placed the idea of informed consent at the center of all experiments involving humans. The Code reads in part,

> The voluntary consent of the human subject is absolutely essential. *This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make and understanding an enlightened decision*…. [It] should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonably to be expected; and the effects upon his health or person which may possibly come from his participation (The Nuremberg Code 1947, p. 1, emphasis added).

While the U.S. government was quick to adopt standards like the Nuremburg Code, it violated its commitments before the ink was dry. After World War II the U.S. government engaged in its own flagrant human-rights violations in conducting experiments in the name of building military capabilities to protect the country.

2.2 Operation Overcast

On June 6, 1944, the Allied Powers landed on mainland Europe, marking the beginning of the end for Hitler's Third Reich. Having seen the capabilities and technologies of the Germans, the U.S. government sought to shorten the war by learning what knowledge the Nazis possessed. To uncover this information, the government sent some 10,000 intelligence personnel into Europe directly behind the D-Day troops. Among other things, their mission was to find and question German scientists (Cockburn and St. Clair 1999, pp. 168-169). It would not be long before the mission's objectives changed—from finding and interrogating Nazi scientists to recruiting them to work for the U.S government.

At the start of the Allied invasion of Europe, the United States government feared that the Nazis were close to developing and using nuclear weapons. On moving further into the continent and questioning German scientists, however, U.S. agents learned that the Nazis were far behind the Americans in their nuclear program. Interrogations revealed, however, that the Nazis had developed impressive biological and chemical weapons (Hunt 1991, p. 11).

The U.S. government viewed understanding and using the scientists' unique human capital (knowledge, skills, etc.) as a way to efficiently combat the Japanese and future threats. One telegram to the Pentagon on May 22, 1945, stated that bringing the German scientists to the United States was most "important for [the] Pacific war" (McGovern 1964, p. 173). Secretary of War Robert Patterson stated, "The laboratories of America have now become our first line of defense. I cannot make too strong, or too emphatic, the interest of the War Department in the promotion of scientific research and development" (Lasby 1971, pp. 92-93). William J. Donovan, a decorated veteran and head of the Office of Strategic Services, along with Allen Dulles, the head of intelligence operations in Europe (and future head of the CIA), urged President Franklin Roosevelt to approve the emigration of Nazi scientists to the United States. While he formally rejected the request (Cockburn and St. Clair 1999, pp. 169-170), German scientists were already being moved to the United States.

By July 1945, the Joint Chiefs of Staff (JCS) had authorized the Joint Intelligence Objectives Agency (JIOA) to launch Operation Overcast (also known as Project Overcast), a program to bring of some 350 Nazi scientists to the United States (Cockburn and St. Clair 1991, p. 146). Operation Overcast was supposed to be limited to a select number of scientists whose knowledge of rocketry and atomic energy could help end the war. General Henry H. Arnold, chief of the U.S. Army Air Forces, expressed this sentiment saying, "Every day that goes by where we wait for something to happen [with regard to the German scientists] deprives us and the Air Forces of that additional punch to give us the most advanced weapons quicker" (Lasby 1971, p. 93). It would not be long before preparations for a new conflict would incentive the rapid expansion in government activities involving human experimentation.

3. FEAR, COLD WAR, AND OPERATION PAPERCLIP

The end of World War II meant the death of two adversaries and the birth of another, which would enable the U.S. government to neglect denazification and related immigration policies. The U.S. government shifted attention away from Europe and the Pacific and toward the Soviet Union and the communist ideology. Less than a year after dropping two atomic bombs on Hiroshima and Nagasaki, people within the government warned that the "United States needed to prepare for 'total war' with the Soviets—to include atomic, chemical, and biological warfare" (Jacobsen 2014a, p. 36).

The possibility of war with the Soviet Union further expanded the power of the U.S. government by increasing resource flows and providing officials more control over the everyday lives of citizens. This centralization and expansion of government activity was perpetuated by the fear felt by many U.S. citizens. Schoolteacher John Driscoll, recalling this period, stated, "It seems surreal now. Every summer when I heard heat lightning over the city and the sky would light up, I was convinced it was all over. My whole childhood was built on the notion the Soviets were the real threat" (quoted in Brinkley 1992). For decades the U.S. government implemented programs to teach school children to "duck and cover," supposedly to protect themselves from Soviet air raids. School systems across the country issued identification bracelets or dog tags to students—to help identify lost or dead children if the Russians attacked. Thousands of Americans, prompted by the Federal Civil Defense Administration (FCDA), installed bomb shelters in their backyards (Greenberg 2003).

Fear of communists and sympathizers within the United States—a fear fueled by the U.S. government—contributed to an environment where many Americans encouraged and accepted expansions in domestic government power in the name of combating communism. These sentiments existed even before the Cold War started. A June 1938 Gallup poll, for example, found that 97 percent of Americans favored the freedom of speech protected by the First Amendment, but only 38 percent believed in this right "to the extent of allowing communists to hold meetings and express their views" (White 1998). An April 1941 poll found that 64 percent of Americans believed that "repressive measures" should be used against communists living in the United States. At the start of the Cold War, in June 1946, 16 percent stated they wished to "curb or make [communists in the U.S.] inactive" (Ibid.). More than a third, however, took a much stronger stance. Thirty-six percent said communists in the United States should be immediately killed or imprisoned (Ibid.).

There was also a great deal of fear about the spread of communism outside of the USSR. A 1943 Roper survey found that 41 percent of Americans believed that Russia would try to spread communism throughout Europe after the war's end (see Roper Center Public Opinion Archives 1991, p. 29). In a 1950 survey, the National Opinion Research Center found that a plurality of Americans thought the U.S. government should curtail such efforts. When asked, "[H]ow important do you think it is for the United States to try to stop the spread of communism in the world," 83 percent stated such efforts were "very important" (see Roper Center Public Opinion Archives 1991, p. 30).

In September 1946, President Truman approved Operation Paperclip, also called Project Paperclip. A revamping of Operation Overcast, Operation Paperclip would import over a thousand German scientists to the United States (Callahan 2014). As part of the new operation, even those categorized as "Major Offenders" by denazification courts were placed into a variety of position, including in every branch of the military. The U.S. government's goal was the further development of its military capabilities by leveraging the knowledge of these German specialists whose backgrounds included nuclear energy, rocketry, chemical and biological weapons, and aviation medicine (Gimbel 1990, p. 38; Coyne and Hall 2018b, p. 185).

The U.S. government instituted other domestic programs throughout the Cold War which involved the imported German scientists. Project National Interest, which began in 1947, brought former Nazi scientists to the United States to work for a variety of universities and defense contractors (Hunt 1991, p. 76). Operation Bloodstone started in 1948 to recruit Nazis who had fled primarily to Russian territories. In its original proposal, Bloodstone was to bring 250 people to the United States. One hundred were to be placed in the Department of State and 50 were to work for each branch of the military (Yeadon 2008, pp. 383-84).

By 1950, the CIA had asked Congress to expand the program to allow for up to 15,000 additional immigrants (Yeadon 2008, p. 384). Yet another program, Project 63, started in 1950 to allow the government to further employ former Nazis, including some still serving prison sentences for war crimes (see Hunt 1991, p. 101; Yeadon 2008, p. 385). Many recruits were not intended for the military, but rather for university appointments where administrators were enticed by the promise of faculty with federally subsidized (and in many cases classified) research projects (Yeadon 2008, p. 385).

The government brought in more than 1,600 scientists under Operation Paperclip (Lower 2014). The government, fearful that their recruits' former work and affiliations would anger the public, took care to whitewash their backgrounds. As Major General Hugh Knerr, the commanding general at the Air Technical Service Command at Wilbur Wright Field, stated in a memo to the War Department, the backgrounds of scientists should be ignored because, "pride and face saving have no place in national insurance" (quoted in Jacobsen 2014a, p. 52).

Paperclip scientists went to a variety of private and public institutions. For instance, a large group worked at Wright Air Force Base (Hunt 1991, p. 114). Two other groups were sent to work at Edgewood Arsenal and Fort Detrick in Maryland and to the Air Force in Texas. Scientists brought in under Paperclip and other programs worked for Martin Marietta (a leading chemical, aerospace, and electronics company, now Lockheed Martin), other defense contractors, and numerous colleges and universities (Hunt 1991, p. 72, 114). In many cases those employed at institutions of higher learning also received security clearances.

Two brief examples will illustrate the type of scientists knowingly imported by the U.S. government. Dr. Herbert Bruno Gerstner dissected the human brains of "undesirables" during the war and conducted a variety of experiments involving electrocution and burns as part of the "T4 program" (Albarelli 2010b). Under Paperclip, he worked at the School of Aviation Medicine in Texas where he continued his experiments. He experimented on some 263 cancer patients at MD Anderson Hospital, subjecting his victims to total body radiation without their consent (Albarelli 2010a).

Dr. Friedrich Hoffmann spent his time during the war conducting experiments with chemical agents and nerve gas. Following the war, he was brought to the United States and worked for the Army Chemical Corps in Maryland (Jacobsen 2014b). Posted at Edgewood Arsenal and Fort Detrick, he worked to refine nerve agents for use by the U.S. military, building a gas chamber to conduct experiments. At least 25 servicemen were used in experiments, but it is unclear that they provided informed consent. It has been reported that several servicemen died during these experiments, though attempts to compel government agencies to release the pertinent documents have been unsuccessful (Albarelli 2010a). Hoffmann built a second chamber to conduct "oxygen deprivation experiments," (Albarelli 2010b) and he became involved in a CIA program to test possible uses of LSD, which led to human trials. Hoffmann was integral to the development of a variety of chemical agents for the U.S. military, including Agent Orange (Albarelli 2010b).

With the aid of these scientists, the U.S. government engaged in human experimentation in the name of U.S. national security. The animating idea was that the wellbeing of certain members of the domestic citizenry needed to be sacrificed for the "greater good." The sad irony is that this mentality required members of the U.S. government to adopt the collectivist mentality they purported to combat through their Cold War operations.

4. CITIZEN GUINEA PIG

With the aid of imported Nazi scientists, the U.S. government carried out three distinct kinds of experiments during the Cold War—biological agent testing, large-population and open-air testing, and radiation and nuclear experiments.[1]

Chemical Agent Testing

One of the first chemical agents used widely in warfare, the mustard gas of World War I, was studied by the U.S. government throughout the Second World War, and beyond, with enlisted military personnel as experimental subjects. Throughout the 1940s, at least 60,000 U.S. soldiers were used as test subjects to observe the effects of mustard gas as well as lewisite, a vesicant chemical agent (Rockefeller 1994; Coyne and Hall 2018b, p. 185). Evidence indicates that Otto Ambros, who was known as "Hitler's favorite chemist" and brought to the United States as part of Operation Paperclip, used around 7,000 American soldiers as test subjects in experiments employing these chemical agents (Yeadon 2008, p. 384; Coyne and Hall 2018b, p. 185).

Subjects were uniformed about the specifics of the experiment and not receive follow-up care related to their exposure to the chemical agents (Moreno 2001, p. 40). Those who questioned participants were met with rebuke. As indicated in a report from the Naval Research Laboratory on the mustard-gas experiments, "[O]ccasionally there have been individuals or groups who did not cooperate…. A short explanatory talk, and, if necessary, a slight verbal 'dressing down' has always proven successful. There has not been a single instance in which a man has [successfully] refused to enter the gas chamber" (Moreno 2001, p. 48).

In addition to mustard gas and lewisite, test subjects were exposed to a variety of diseases including rabbit fever, hepatitis A, and the black plague (Levy and Sidel 1997, p. 104; Coyne and Hall 2018b, p. 186). At the Edgewood Arsenal, where Hoffmann and other Paperclip scientists worked, researchers tested nerve agents, such as VX and sarin gas, on military personnel (see Hackley et al. 1964; Ketchum et al. 1964; Coyne and Hall 2018b, pp. 186-7). Army Private Tim Josephs was 18 when he volunteered for a two-month rotation at Edgewood, eager to be closer to home. In his telling

> It was like a plum assignment. The idea was they would test new Army field jackets, clothing, weapons … but no mention of drugs or chemicals. [When I had second thoughts after seeing the facilities and personnel in white lab coats, an officer said to me,] 'You volunteered for this. You're going to do it. If you don't you're going to jail. You're going to Vietnam before or after' (quoted in Martin 2012).

He claims that he never knew what was happening to him and that his experience permanently altered his health. Joseph's medical records indicate he was likely exposed to sarin or some other nerve agent. Before his two months at Edgewood were complete, he developed symptoms similar to Parkinson's disease, requiring hospitalization. He was ordered never to speak of his experiences at the base. He was diagnosed with Parkinson's years later. When discussing his feelings about Edgewood, he said, "I felt a real duty to my country to go and serve…. You believed in your government. And you wouldn't think they would give you something that would harm you intentionally" (quoted in Martin 2012).

Large-Population and Open-Air Tests

Beginning in the 1960s, the U.S. Army initiated Project Shipboard Hazard and Defense, also referred to as Project SHAD, which was part of Project 112, a large-scale biological and chemical weapons project.[2] The purpose of this program was to evaluate the vulnerability of U.S. ships to Soviet attacks. As part of the initiative, U.S. Navy seamen were exposed to Q fever, rabbit fever, zinc cadmium sulfide, sarin nerve gas. They were also exposed to VX, a toxic human-made chemical compound classified as a nerve agent which the Centers for Disease Control describes as "the most potent of all nerve agents" (Center for Research Information 2004; see also, Blum 2005, pp. 152-53; Coyne and Hall 2018b, p. 187).

It wasn't just members of the U.S. military who were test subjects, so too were large portions of the American public. There is evidence that the U.S. government conducted at least 239 "open-air tests" throughout the country (Levy and Sidel 1997, p. 104; Coyne and Hall 2018b, p. 187). In these tests, chemical agents would be dispersed in order to evaluate how the subjects responded.

The chemical agents dispersed were supposed to be harmless to the subjects, but in numerous instances it is unclear that this was actually the case. In Minneapolis, for instance, the tests involved dispersing a bacteria in an elementary school. Years later the students exposed reported abnormally high rates of stillbirths and miscarriages (*New York Times* 1994; Harris and Paxman 2002; Coyne and Hall 2018b, p. 187). The U.S. Navy initiated Operation Sea Spray, a secret biological warfare program, in 1950. As part of this experiment, the U.S. Navy released two types of bacteria—*Serratia marcescens* and *Bacillus subtilis variant niger*—over San Francisco. People living in the area experienced, relative to the general population, unusually high numbers of urinary-tract infections and pneumonia-type symptoms, with at least one person dying (see Wheat, Zuckerman, and Rantz 1951; Coyne and Hall 2018b, p. 187). In 1955, the CIA engaged in at least one open-air test with whooping cough around Tampa Bay, Florida. The cases of whooping cough in the state jumped considerably, from 339 and one death in 1954 to 1,080 cases and 12 deaths in 1955 (Blum 2005, p. 150; Iov 2006, p. 2).

Radiation and Nuclear Experiments

Some of the German scientists who came to the United States as part of Operation Paperclip had significant experience with quantum mechanics, radiochemistry, and nuclear fission. The U.S. government sought to leverage this knowledge to advance its weapons arsenal and to understand the effects of radiation on human beings. As in the case of chemical and open-air tests, this involved experiments involving members of both the military and the general American populace.

The U.S. government conducted over a thousand nuclear tests during the 1945 to 1992 period (United States Department of Energy Nevada Operations Office 2000; Coyne and Hall 2018b, p. 188). It is estimated that over 455,000 Americans were exposed to one or more atmospheric bomb tests, with some exposed to harmful levels of radiation (Uhl and Ensign 1980, p. 97; Coyne and Hall 2018b, p. 188). While the knowledge of the nefarious health effects of radiation was not as advanced then as it is today, scientists at the time were still aware that the side effects of nuclear exposure were significant and dangerous, as was exposure to even low levels of radiation (Uhl and Ensign 1980, pp. 15, 29).

To provide one illustration of the harms from exposure, consider the case of Jim O'Conner who was 19 years old when the military stationed him at a nuclear test sites in Nevada. Following exposure, he experienced severe medical problems.

> I was petrified [when the bomb went off], with my hands clasped tightly to my eyes and head between my knees… The sizzling flash stung my body. The bones in my hands glowed through my closed eyelids…. [Now] I'm dying of Polymyositis [muscle weakness throughout the body that can lead to difficulty swallowing, pneumonia, and other breathing problems]. It's eating away at my muscles, and it's a slow, painful, expensive way to die (quoted in Uhl and Ensign 1980, pp. 4-5).

O'Conner was not the only veteran to suffer consequences as a result of his exposure to high levels of radiation. Studies of the "Smoky" nuclear test, conducted on August 31, 1957, as part of the "PLUMBBOB" series, show that those present later had significantly higher rates of leukemia, relative to the general population (see Caldwell et al. 1980; Coyne and Hall 2018b, p. 188). Years later, during hearings on the tests, Rep. Tim Lee Carter noted that the scientists in charge were fully equipped with protective clothing and other gear (Uhl and Ensign 1980, p. 99). Most military personnel, however, were given nothing to protect themselves from the blasts (Uhl and Ensign 1980, pp. 95-96).

In a 1963 experiment, scientists exposed the genitals of prison inmates to high levels of radiation. Subjects received 600 rads ("rad" stands for "radiation-absorption dose") of direct radiation to their testicles; it was known that as few as eight rads could reduce reproductive capabilities. According to the doctor's long-time assistant,

> [H]e felt uncomfortable about doing 600 [rads because it] was probably around [the dose that produces sterility in 50 percent of those exposed]…. [T]hey wanted to start in there and see, okay, where are you going with your population survival. Are they going to be able to have children? And what are their children going to be like, and so forth (quoted in Welsome 1999, p. 372)

Subjects experienced a number of immediate negative effects—rashes, blisters, and peeling of the skin—as well as long-term effects—difficulty maintaining erections, pain during sexual intercourse, and a decrease in the size of their testicles (Welsome 1999, p. 370; Coyne and Hall 2018b, p. 189).

One of the subjects, Dale Hetland, who received two direct radiation treatments to his testicles, 24 biopsies, and two injections of tritiated thymidine, stated that

> They brought a little box in…. [T]hey said it had a syringe with some radiation in it…. [H]e said it wouldn't hurt me or nothing…. [It] wasn't the truth. It stung a whole lot and hurt a whole lot…. It was no better than the experiments conducted by the Germans on prisoners in the concentration camps…. [T]his experiment on me with live radiation has caused me over twenty years of pain and it has nearly destroyed my body (quoted Welsome 1999, p. 372).

Hetland later developed degenerative bone disease of the spine and had part of his stomach was removed because of his exposure (Welsome 1999, p. 372; Coyne and Hall 2018b, p. 189).

Overall, at least 4,000 known radiation experiments were carried out within the United States during the Cold War period (Welsome 1999, p. 216; Coyne and Hall 2018b, p. 189). This likely understates the overall number given that much of the information surrounding radiation testing remains classified. What we do know is that the U.S. government, in conjunction with input from imported Nazi scientists, supported and carried out human experiments on the domestic populace in the name of advancing the "public interest."

5. CONCLUSION–THREE LIBERAL RESPONSES

The post-World War II experience discussed above offers another piece of evidence to the well-known fact that war places severe strain on the protection of individual freedom (Corwin 1947; Higgs 1987; Linfield 1990; Porter 1994; Rehnquist 1998; Walker 2012; Coyne and Hall 2018a). As one legal scholar noted, "[f]oreign affairs, and its close relation national security, have been a graveyard for civil liberties" (Dorsen 1989, p. 840). Indeed, perhaps the most enduring challenge in constitutional political economy is this—can governments be simultaneously empowered and constrained? This is especially important in matters of foreign affairs and war. Among liberals, three possible alternatives have been offered as a means of protecting and extending liberal values.

One proposal alternative is that the American government must embrace its role as a liberal empire. While this position does not reject the importance of constraints on government, it does tend to deemphasize their importance because the U.S. government needs discretion to act for the national and global good. From this perspective, abuses of government power may occur, but on the net the benefits from empire outweigh these, and other, costs.

Those who argue in favor of the United States as a modern-day empire offer several arguments for their position. These include enhanced global peace, gains from trade and access to credit, the unification of, and greater ease of achieving foreign policy objectives, and a range of "public goods" for other societies. Proponents of this position often suggest that failing to embrace its current position is an unequivocal loss to global society (see Mitchener and Weidenmier 2005; Ferguson and Schularick 2006).

Lal (2002, 2004, 2005), for instance, claims that the United States *is* an empire and there would be extensive benefits to embracing the title. Multinational organizations and Non-Government Organizations (NGOs), he argues, have been ineffective, outlived their usefulness, and been crippled by bureaucratic processes. Imperial powers, according to Lal, have worked to promote prosperity and peace in a variety contexts. The fall of the British empire, he suggests, led to the decline of the liberal orders. By taking on the role of global hegemon, the United States possesses the ability to reinstate liberal institutions. "In our own times," writes Lal (2002), "the death nineteenth-century liberal international economic order (LIEO) built by Pax Britannia…led to nearly a century of economic disintegration and disorder, which has only been repaired in the last decade, with the emergence of the United States as the world leader." He contends that the United States should exert its influence regardless of the feelings any objections or misgivings within the international community. Seeking approval or support, he contends, detracts from implementing worthwhile policies in a timely manner.

Boot (2001) makes similar claims—"It is striking—and no coincidence—that America now faces the prospect of military action in many of the same lands where generations of British colonial soldiers went on campaigns" (n.p.). He suggests that some of the problems faced by the United States government today are the result of *too little* intervention as opposed to too much. "[T]roubled lands today cry out for the sort of enlightened foreign administration once provided by the self-confident Englishmen," he writes. "Building a national consciousness, while hardly impossible…, is a long-term task….Unilateral U.S. rule may no longer be an option today. But the United States can certainly lead an international occupation force under U.N. auspices…This would be a huge improvement in any number of lands" (Ibid.).

Lal and Boot are not alone in their suggestion. Ferguson (2004), for example, is explicit in his assertion that the United States can, and should, export liberal institutions abroad. "[L]iberal empire," he writes, "[is] the political counterpart to economic globalization. If economic openness—free trade, free labor movement and free capital flows—helps growth, and if capital is more likely to be formed where the rule of law exists and government is not corrupt, then it is important to establish not only how economic activity becomes globalized but also how—by what mechanism—economically benign institutions can be spread around the world" (Ferguson 2004, pp. 183-4). He continues, "[I]n many cases of economic "backwardness" a liberal empire can do better than a nation-state…[W]e may therefore make…an altruistic argument for the United States to engage in something resembling liberal imperialism…[Many countries] would benefit immeasurable from something like an American colonial administration" (Ibid., p. 198).

The suggestion that the United States should use its position to implement liberal institutions abroad is not universally accepted. Chomsky (2003a,b, 2005), for example, argues that U.S. imperialism, far from a harbinger of peace, is a direct threat to it. By propping up ruthless regimes, the United States has failed to consider the consequences of its global footprint. Coyne and Davies (2007) discuss nineteen distinct negative consequences of empire. Coyne (2022) further explores the various negative consequences—domestic and foreign—of a proactive American empire. Coyne and Hall (2016) and Coyne (2022) argue that the implementation of "liberal" policies abroad requires the adoption of illiberal means which are at odds with the liberal values they purport to uphold.

Elsewhere, Coyne and Hall (2014) argue that imperialism—whether antiquated or contemporary—the ideas supported by Boot, Ferguson, Lal, and others fail when examined within the context of robust political economy. "In order to make the case for imperialism," they write. "[O]ne must relax the assumptions of (1) omniscience and (2) benevolence in order to see how an imperial system would likely respond in the face of less than perfect conditions. As no political system operates under conditions of pure benevolence and complete omniscience, such considerations offer us a new way in which to examine the feasibility of

American Empire" (pp. 372-3). Using this framework, they analyze U.S. foreign policy performance and conclude that we cannot be confident that U.S. interventions abroad are a net benefit.

Given the concerns with a global empire, a second alternative is the creation of an interstate federation which would, in principle, reign in aggressive governments while promoting international peace. The idea of interstate federalism is often associated with F. A. Hayek who noted that

> [T]he main purpose of interstate federation is to secure peace: to prevent war…by eliminating friction between [states] and by providing effective machinery for the settlement of any disputes which may arise between them and to prevent war between the federation and any independent states by making the former so strong as to eliminate any danger of attack from without (1948, p. 255).

For Hayek, the creation of such a federation would not be without difficulty. It would require the elimination of regional protectionism, a common foreign and economic policy, and likely a common monetary policy. The interstate federation would, for Hayek, necessitate the existence of liberal economic administrations and the rejection of nationalism. The result, he posits, would be constrained government. "[A]n essentially liberal economic regime is a necessary condition for the success of any interstate federation," writes Hayek (Ibid., p. 269). "[T]he converse is no less true: the abrogation of national sovereignties and the creation of an effective international order of law is a necessary complement and the logical consummation of a liberal program" (Ibid., p. 269).

But how would a liberal interstate federation be implemented across so many diverse nation-states? How do illiberal regimes come to adopt liberal ideals? Hayek's does not offer any solution to these questions. Picking up on Hayek's initial proposal Christensen (2021) explores the benefits of a system of interstate federalism, grounded in the principles underpinning the American system, for facilitating international peace and prosperity. He argues that such a system would tame Leviathan, both within the United States and globally, while granting freedom to a large number of people. In addition to establishing interstate federalism another issue is its maintenance. Analyzing the U.S. experiences with federalism, some scholars have noted the tendency towards "cartel federalism" As Wagner (2014, p. 3) argues, "A system of competitive federalism stands in opposition to a system of monopolistic federalism, in which political entities act in cartel-like fashion to promote the interests of their supporters over the interests of the rest of society" (see, also, Greve 2012). Whether mechanisms can be established to prevent interstate federalism from sliding into cartel federalism is an open question.

A third and final alternative is reducing the reliance of citizens on the nation-state for the provision of security (Coyne and Goodman 2020; Coyne 2022). Such systems of citizen-based defense recognize that security is not a homogenous, one-size-fits-all good. Instead, security varies from context to context. Given this variation and the threat posed by centralized political power, proponents of this alternative advocate for a shift from a top-down "monocentric system"—one in which there is a single centralized unit of decision-making—is a polycentric system—one where there are numerous decision-making unites with autonomy in decision-making. Polycentric defense already exists and operates parallel to state-provided defense. It also takes on a variety of forms involving force, or the threat thereof, and non-violence to combat threats (see, Coyne and Goodman 2020; Coyne 2022).

How far polycentric defense can effectively extend is an open question, but some liberals argue it must be considered as a viable option to address the core constitutional paradox of the state. If, as Thomas Jefferson (1788) noted, "the natural progress of things is for liberty to yield and government to gain ground," then thinking of alternatives to the government-provision of goods and services—including defense—is of the utmost importance. And given their emphasis on self-governance and the ability of entrepreneurial people to effectively resolve collective action problems, liberals are well positioned to engage in this project.[3]

NOTES

1 This section draws on and extends the material in Coyne and Hall 2018b.

2 For more on Project 112 see United States Government Accountability Office 2008.

3 We would like to thank three anonymous referees and the guest editor for useful comments and suggestions.

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Editorial Information

AIMS AND SCOPE

COSMOS + TAXIS takes its name and inspiration from the Greek terms that F. A. Hayek invoked to connote the distinction between *spontaneous orders* and *consciously planned* orders.

COSMOS + TAXIS is a joint initiative run under the auspices of the Department of Pathology and Laboratory Medicine at The University of British Columbia and the Political Science Department at Simon Fraser University.

COSMOS + TAXIS offers a forum to those concerned that the central presuppositions of the liberal tradition have been severely corroded, neglected, or misappropriated by overly rationalistic and constructivist approaches. The hardest-won achievements of the liberal tradition has been the wrestling of epistemic independence from overwhelming concentrations of power, monopolies and capricious zealotries. The very precondition of knowledge is the exploitation of the *epistemic* virtues accorded by society's *situated* and *distributed* manifold of spontaneous orders, the DNA of the modern civil condition.

COSMOS + TAXIS is not committed to any particular school of thought but has as its central interest any discussion that falls within the *classical* liberal tradition as outlined above.

COSMOS+TAXIS publishes papers on *complexity* broadly conceived in a manner that is accessible to a general multidisciplinary audience with particular emphasis on political economy and philosophy.

COSMOS+TAXIS offers a forum distinctively engaging the confluence of interest in situated and distributed liberalism emanating from the Scottish tradition, Austrian and behavioral economics, non-Cartesian philosophy and moral psychology, philosophy of social science, social epistemology, and political philosophy.

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Papers should be double-spaced, in 12 point font, Times New Roman. Accepted papers are usually about 6,000-8,000 words long. However, we are willing to consider manuscripts as long as 12,000 words (and even more under very special circumstances). All self-identifying marks should be removed from the article itself to facilitate blind review. In addition to the article itself, an abstract should be submitted as a separate file (also devoid of author-identifying information). Submissions should be made in Word doc format.

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   Author, C. D., Author, B., and Author, C. 2013. Article Title.
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COSMOS + TAXIS acknowledges the generous support of the Lotte & John Hecht Memorial Foundation.

Design and typesetting: Claire Roan, UBC Studios,
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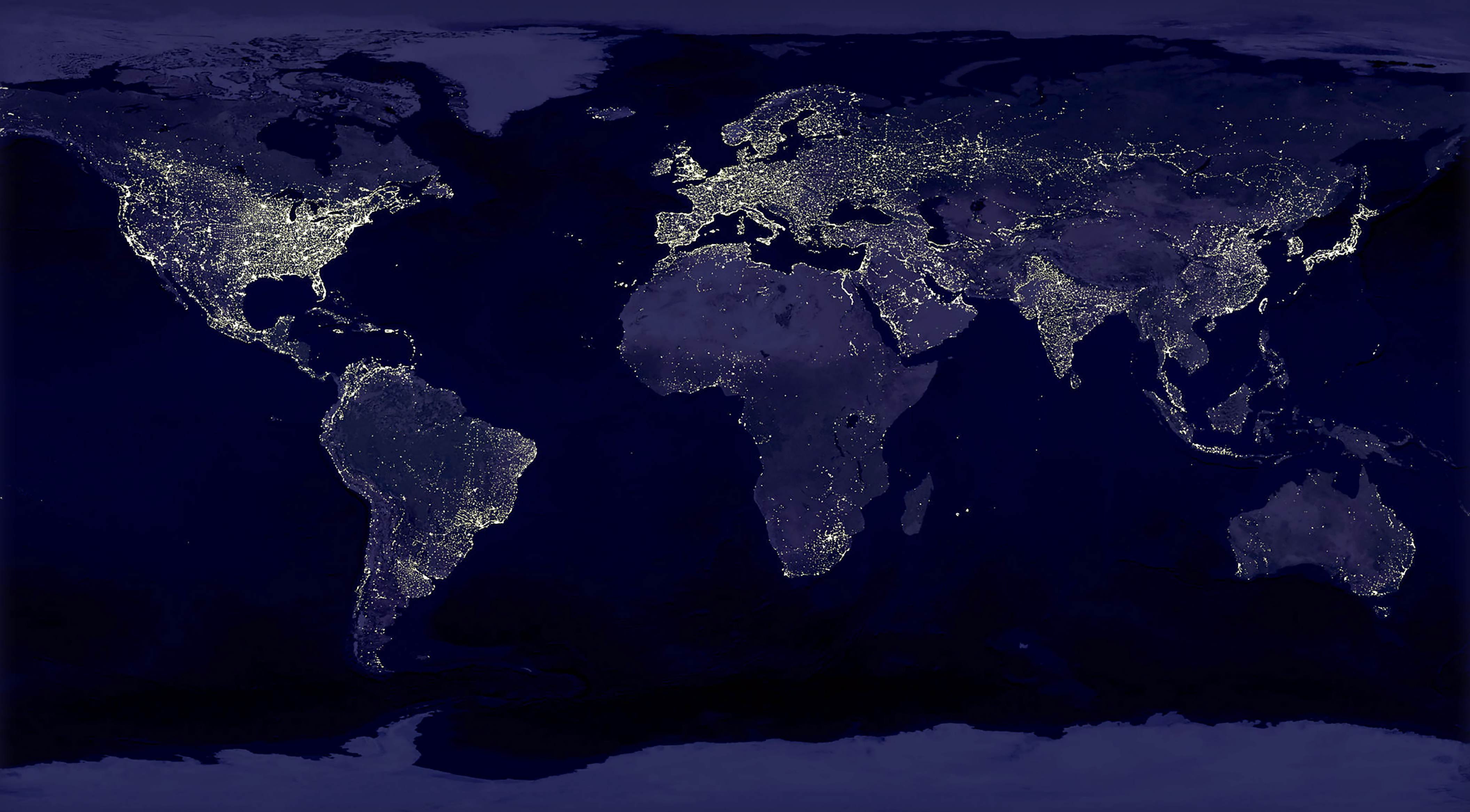COSMOS + TAXIS