

Constitutionalization above the state: How *After Victory* broke anarchy

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Introduction

G. John Ikenberry's seminal book, *After Victory*, is notable for many things, but one of its key impacts on the field of International Relations (IR) was profoundly to challenge how we conceptualise the very nature of international politics. The Western canon in IR had as its fundamental baseline the assumption that international politics occurs in a situation of anarchy. Ikenberry's argument challenged that truism. It did so by arguing that the United States had transformed the international system after World War II (WWII) in ways that broke down the strict division between hierarchical political authority in the domestic realm, and its opposite: anarchy in the international political realm. Ikenberry's emphasis on understanding the unique post-war American strategy of building a constitutional order above the state has only increased in importance over time, as seen in the vibrant series of recent literatures that probe the accumulation of political authority beyond the state.

Ikenberry's insights therefore remain remarkably relevant to the broader transformations occurring in the nature of global politics today. His argument, and evidence in support of the constitutional settlement of the American era, allows for a fundamental refashioning of the range of possibilities for politics across states. Although not widely recognised, *After Victory* provided a foundation for today's emerging scholarly work on hierarchy, transnational political authority, and political development beyond the state. Therefore, rather than simply viewing *After Victory* narrowly in terms of its predictions about the liberal international order, we should acknowledge how it pioneered a much more dynamic view of international politics beyond anarchy, once that continues to be highly relevant today. At a time of uncertain geopolitical shifts and increasing tensions, rising populist demands for withdrawal from the post-war global order, and rampant

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technological change, Ikenberry's work can help us specify what we might see in terms of transformations in transnational authority.

In the pages that follow, I start by reminding us of the terrain of international relations scholarship that *After Victory* contested with its bold departures on the nature of anarchy. I then turn to unpack the ways in which Ikenberry's insights on the constitutional order at the centre of the post-war liberal international system broke down the divide between international and domestic level political dynamics. Some of the current array of works that go beyond anarchy to investigate how political authority is projected across national borders, and up and down levels of governance from subnational to transnational units, are briefly discussed for their linkages to Ikenberry's initial contributions. The essay then concludes.

Anarchy and the conventional wisdom

Traditionally, IR scholarship, particularly as practised in the United States, has held tight to a strict divide of seeing anarchy *between* states, in sharp distinction from politics *within* the domestic realm. Anarchy in international relations theory can be defined as the lack of a central, overarching legitimate authority to govern relations among states. In contrast, national governments sit atop a hierarchy of relations among actors within their borders, and hold a legitimate monopoly on the use of force. In addition, the assumption of a stark divide between international and national politics also implies that institutions, laws, and shared social identities can help generate political order (or disorder) only *within* states in ways not possible under anarchy and the constraints of the security dilemma.

This sharp distinction continues to be taught in introductory classes of International Relations, whether to first year university students or in doctoral seminars, despite decades of protestations about the inaccuracy and shortcomings of this division (Milner, 1991) and a long tradition of pushing the boundaries of the idea of anarchy. While the British School and Hedley Bull's path breaking *Anarchical Society* (Bull, 1977) had challenged the American assumptions by framing international politics as occurring in a dense fabric of social interactions not unlike the domestic political realm, the prevailing mode of thinking and teaching in IR took anarchy as an enduring structural feature of the international system throughout much of the post-war era.

A constitutional order above the state

Despite the common view of the sharp analytical separation of domestic and international politics, Ikenberry focused in *After Victory* on the potential for what he called a 'constitutional settlement' fundamentally to refashion the range of possibilities for politics across states. This view was at the time a radical one, particularly in the context of the canonical American scholarship in IR. In Ikenberry's account, the international constitutional order was conceptualised as the 'rules of the game' laid down by the dominant actor, the United States, wielding its hegemonic ability to shape those rules in the aftermath of the global devastation of WWII.

Other prominent American scholars had hinted at the weight of such dynamics above the state, such as Robert Gilpin (1981) in *War and Change*, as Ikenberry himself discusses in his own contribution to this symposium. Gilpin argued that the key to understanding the international system is to conceptualise it in terms of three linked component parts: the distribution of power, the hierarchy of prestige, and the governance of the system; that is, the rules of the game. For Gilpin, these elements of the international system could move

separately from one another, even as the distribution of power is always the initial source for the generation of status and the construction of governance. But over time, Gilpin argues, there can be a decline in material power while status endures, as actors continue to view a hegemon as being at the top of the hierarchy of prestige. Likewise, the institutional structures of the international system that constitute its governance system can be initially constructed by the hegemon, but outlast that hegemon's material power capacities. Both of these disjunctures, in Gilpin's view, will cause increasing conflicts over time, and lead to the 'war and change' of the book's title. Gilpin's work was important therefore for its emphasis on how material power might translate into institutional structures that may have an independent effect on state behaviour, something anathema to structural realist scholars.

Ikenberry's work shared with Gilpin's the emphasis on the potential independent role that rules might play in international politics, but departed from it in a fundamental and important way. Instead of the inevitability of underlying power shifts leading to a change in the rules of the system, Ikenberry offered a theory of how it might be that rules could live on indefinitely beyond their initial power-based logic, and come to have a binding logic all of their own. In *After Victory*, the foundational rules and institutions of the American-led post-war order operate in complex ways to shape and limit how power is exercised as Ikenberry succinctly summarises in this symposium. Strategic restraint is the operational mechanism by which state actors' behaviour will differ from what would occur absent of such an institutional setting.

This insight directly parallels the role of a constitutional order in a domestic setting, a deeply provocative claim to be made about the international system in the setting of standard IR theory. American IR theory overwhelmingly privileged either realist notions of billiard balls knocking off each other in a Waltzian structural account (Waltz, 1979) or the neoliberal institutionalist view that states enter into contracts with each other under anarchy, based entirely on a sense of instrumental, transactional rationality (Keohane, 1984). Instead, in Ikenberry's telling, neorealism misses a key cause of the generation of order: the institutional foundations of the Western system, designed as a result of a historically unusual moment of enlightened self-interest on the part of the United States. The connecting and constraining effect of the post-war Bretton Woods institutions reduces the incentives of states to engage in strategic rivalry or to try to balance against the hegemon. In his view, these institutions will also have an 'increasing returns' character, providing more and more reasons for other actors not to seek to replace the hegemon at the centre of the order.

Most radical, in *After Victory*, is this framing of the liberal Western institutions as having constitutional characteristics that work to constrain the most powerful actor (the United States) and create opportunities for voice on the part of all those in the broader system of governance. Ikenberry points to the incentives that powerful states have to govern legitimately by building institutions that lock in power advantages in some ways, while creating incentives for participation by weaker actors in ways that create credible commitments by the hegemon to exercise strategic restraint. Anarchy is the starting power for the analysis, but the enlightened self-interest of the hegemon can create an order that transcends anarchy, where the formal and informal institutions of that order take on an independent causal effect in constructing and constraining actors and action.

After Ikenberry: Transnational authority today

Much of the discussion today around the relevance of Ikenberry's work focuses on its predictions regarding the resilience of the US created liberal order. It can certainly be

questioned whether the binding that Ikenberry argued was occurring has persisted, and how many decades of longevity this order will ultimately produce. A designing around the liberal Western order by emerging powers interested in networks based on institutions centred not on the United States, but on China, seems to challenge the robustness of Ikenberry's model (Barma et al., 2007). The first term of the George W. Bush administration's disengagement with global leadership certainly put it into question (Anderson et al., 2008). Even more starkly, today, the Trump Administration's seeming rejection of international trade and investment regimes, North Atlantic Treaty Organization (NATO), and standard norms of post-war diplomacy, certainly calls into question the robustness of the order described by Ikenberry. The rise of populist anger at the status quo, which many people view as rigged against the average citizen, is another avenue of attack against the durability of the liberal order (Kupchan and Trubowitz, 2007). Another potential avenue of erosion comes from outside the system, as a rising China departs from the liberal democratic and open market commitments the US order was built on, while actors like Russia challenge a system built on trust, and a sense of diffused reciprocity across all participants.

The above are crucial points that are rightly taken up by others in this symposium. But they are far from the only way to assess the relevance of *After Victory* today. Instead, what is striking, but not well understood, are the ways in which Ikenberry's seminal work relates to an extensive literature that takes the underlying mechanisms producing a constitutional order for granted. Instead of accepting the traditional view of an anarchical world above states, sharply divided from the realities of domestic politics, subsequent generations of scholars have developed a set of literatures that probe the development of consequential political authority across states. These transnational politics can be understood in a multitude of ways, but these authors share a commitment to the idea that political authority is not strictly bounded by state borders, and that we might have meaningful and consequential variation in the traction that anarchy has over outcomes in the international system. Power continues to be central to the story, but legitimacy and rule can be as important as coercion, forcing us to examine the interplay between power and institutions as Ikenberry did in his seminal work. Examples of such strands of research that go beyond anarchy to situate international politics in a much richer field of political authority abound.

One such extension is the scholarly work on international hierarchy, which has been flourishing in recent years. Although the specific conceptualizations differ, a variety of authors have been arguing for more attention to the importance of hierarchy rather than anarchy as the central frame for understanding international politics. Works look at how states form social contracts that bind both dominant and subordinate members in a hierarchy of authority (Lake, 2009), how sharply differentiated hierarchies co-exist but overall transform international politics into an integrated political system (Mattern and Zarakol, 2016), or challenge anarchy by looking at how heterogeneity has historically characterised international systems, including persistent empires (Phillips and Sharman, 2015). As McConaughy et al. (2018) argue, it is attention to the importance of governance that makes hierarchy important as a significant challenge to our understanding of international politics. It is this same focus on processes of governance and the building of legitimate political authority that is crucial in Ikenberry's account, and recently, to developments in the field as a whole in innovating new ways of understanding politics above the state.

Work on the construction of a dense network of transnationally linked actors is a second strand of important research in International Relations today that builds on Ikenberry's

insights of the constitutionalisation of international politics. Work on the role of what Avant et al. (2010), call ‘global governors’ specifies how rules and the generation of political authority create dense webs of consequential actors above the state. Henry Farrell and Abraham Newman’s (2014, 2016) ‘new interdependence approach’ emphasises, in a historical institutionalist way similar to Ikenberry’s, that domestic rules and regulations come to overlap in various issue areas beyond and across borders, creating transnational alliances among national actors that develop into dense ‘cross-national layers’ which shape domestic institutions and global rules. Here, politics becomes truly transnational, as domestic regulatory regimes become intermeshed with other states’ rules and broader international regimes, and a dense web of interactions profoundly change the exercise of power by states and other actors – and therefore outcomes. As in Ikenberry’s account, the result is a rejection of the traditional framework that assumes international politics is best characterised by anarchy and an absence of authoritative governance.

Finally, a third area of scholarly focus that links to Ikenberry’s novel insights about constitutionalization is the emerging literature on political development above the state. It links the study of historical institutionalism to an understanding of the international system as a space where political development is occurring in ways parallel to the experience of nation-states, and domestic dynamics provides a novel way forward in understanding international politics. But this work has strong ties to the markers Ikenberry laid down in *After Victory*. Orfeo Fioretos has made a persuasive argument for the value of seeing outcomes in global politics through this lens (Fioretos, 2011). A large literature on the European Union (EU) takes these ideas and uses them to investigate the extraordinary political development occurring above, but tightly linked to, the nation-states of Europe. The notion of constitutionalisation in the EU legal context is well developed (Weiler, 1991), but newer work by EU scholars broadens out the notion of constitutionalisation in similar ways to Ikenberry’s insights of politics beyond anarchy. Breaking down the dichotomy between national and international political dynamics, some have explicitly drawn comparisons with historical forms of domestic governance, challenging us to explore the differences and similarities with past political orders (Bartolini, 2005; Caporaso, 1996; Marks, 1997; Marks, 2012). A few scholars have begun explicitly to compare the EU to historical processes of state building, without assuming that the EU will or should evolve into a state, but sharing the emphasis on political development that Fioretos and, implicitly, Ikenberry offer (Börner and Eigmüller, 2015; Fabbrini, 2005, 2010; McNamara, 2015a, 2015b; Kelemen, 2004; Sbragia, 1992, 2005).

Rounding out this brief summary is an example that demonstrates convincingly the ways in which Ikenberry’s constitutionalisation beyond the state transcends IR’s old conceptual divides in surprising and productive ways. Ikenberry’s work has clear echoes in new comparative politics work around the issue of stability in liberal democratic orders, forcefully demonstrating the ways in which *After Victory* crosses the divide between the supposed hierarchy of domestic politics and the anarchy of IR. Insights on the conditions under which democracies can erode points to the important role of the broader set of bargains and understandings that provide the underpinnings for a stable order (Levitsky and Ziblatt, 2018). Levitsky and Ziblatt’s (2016) work points to the important roles of self-restraint and fair play, as historically, the willingness of party leaders to ‘resist the temptation to use their temporary control of institutions to maximum partisan advantage, effectively underutilising the power conferred by those institutions’. This sort of trust in self-restraint by the powerful is exactly the sort of dynamic that Ikenberry believes was in play among nation-states in the US based post-war order. Recognising the continuities in

the nature of political life, regardless of the level of governance, as *After Victory* does, made it a truly remarkable and enduring work, and is one of the reasons this symposium is such an appropriate tribute.

Conclusion

The world has changed in many ways since the 2001 publication of *After Victory*. The liberal order that Ikenberry described seems fragile and tenuous today, even if it remains in place for the moment. But the broader accrual of political authority beyond the state embodied in the post-war constitutional order Ikenberry conceptualised, and the affront to anarchy that implies, continues apace. The growing backlash against globalism today is in part a testimony to this authority, and to the increasing weight of international organisations, networks of actors working together across national borders, and the legalisation of international spaces above the state (Zürn, 2018). *After Victory* is notable in that it is one of the few books that I teach both in my PhD field seminar in international politics and to my policy oriented, professional masters students in Georgetown's School of Foreign Service. The continued relevance of its exploration of the constitutionalisation of politics above the state, even in the chaotic future of world politics, will ensure that it remains on my syllabi for years to come.

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