

Introduction

The sea is the land's edge also, the granite
Into which it reaches, the beaches where it tosses
Its hints of earlier and other creation

T.S. Eliot, *The Dry Salvages*

American forces killed seventeen Iraqi civilians in Nisour Square, Baghdad, on September 16, 2007. The Americans did not wear military uniforms nor did they adhere to US military protocol. Instead, they worked for Blackwater, a US firm that held the largest State Department contract for diplomatic security in Iraq.¹ Blackwater was part of a growing contractor force. More contractors than US troops were used in the last two major American wars.² In particular, military and security contractors like Blackwater carried weapons and engaged in combat, often making them indistinguishable from the military.

For many, the important question is whether Blackwater is public or private. The answer matters for accountability in law and responsibility in politics. Consider another incident in 2006. On Christmas Eve, a drunken Blackwater contractor fatally shot a guard of the Iraqi vice president. The contractor was fired, fined \$2,000, and sent back to the United States without facing any charges. An American legislator noted the problem succinctly: “If this had happened in the United States, the contractor would have been arrested and a criminal investigation launched. If a drunken U.S. soldier had killed an Iraqi guard, the soldier would have faced a court martial.”³ Holding Blackwater contractors legally responsible for the Nisour Square shootings in the United States has proven complicated, with mistrials, appeals, retrials, and pardons stretching a definite resolution across three presidential

¹ Blackwater has undergone many name changes and now goes by Academi. In 2014, Academi merged with Triple Canopy under Constellis Holdings. I refer to the company as Blackwater since this is its most easily recognizable form in public discourse.

² By 2007, 190,000 contractors and 160,000 soldiers were in Iraq. By 2009, 104,000 contractors and 64,000 American troops were in Afghanistan (Congressional Research Service 2017: 4). These numbers are hard to pin down, which I discuss in Chapter 4.

³ House of Representatives 2007a: 3.

administrations. Politically, Blackwater colors how Iraqis see the war, as journalist Ghaiṡh Abdul-Ahad lays out:

The word Blackwater is synonymous with the worst of the American occupation of Iraq. There is not a single Iraqi that I know who would just mention the word Blackwater to who would not say corruption, violence, and I'm not talking only about the Nisour Square kind of massacre, but I'm talking about the whole ten years of the existence of [its] mercenaries. And I think part of the failure of the American project in Iraq was due to the using of contractors.⁴

Not all contractors in Iraq were armed and not all security contractors were like Blackwater. But Blackwater provided high-profile flash points, like the Nisour Square massacre, which channeled Iraqi frustration with the larger war efforts. Contractors were necessary for America's war, but perceptions of contractor impunity also undermined American success.

Blackwater's Nisour Square killings represent a microcosm of what this book is about: hybrid public/private entanglements in global sovereign politics and their multifaceted consequences for International Relations (IR). In one of the Nisour Square trials, an Iraqi witness made a startling observation: "Blackwater had power like Saddam Hussein. The power comes from the United States."⁵ Sovereign power like Saddam Hussein's allows governments to access protections of sovereignty, a uniquely powerful ideational resource in world politics. Indeed, sovereignty has a "primal status as a term that underpins and gives permanence to flitting everyday politics."⁶ Sovereignty defines the bounds of international legality and ethics. Killing is not prohibited for sovereign states. It is legal if you are a sovereign state claiming self-defense. It is ethical if you are a sovereign state intervening on humanitarian grounds. However, as much as leaders may want material indicators of sovereignty, there are no sovereignty bank balances. Instead, sovereignty relies on making successful claims, which in turn draws from theories of power and authority.

Following Max Weber, we often think of sovereign power as "nothing more than the name of an established apparatus of government."⁷ Sovereign power is what a state *does*. But it is not settled that we know what a state does or should do. In the United States, liberals and conservatives disagree about the size and scope of the state, for instance whether the state should include a social safety net. In Japan, there is disagreement about whether the state should provide for its own self-defense. Indeed, as political philosopher Quentin Skinner observes, "there has never been

⁴ Hasan 2019.

⁵ Apuzzo 2015.

⁶ Agnew 2009: 1.

⁷ Skinner 2010: 26.

any agreed upon concept to which the word *state* has answered.”⁸ American Pragmatist John Dewey also diagnoses:

The moment we utter the words “The State” a score of intellectual ghosts rise to obscure our vision. Without our intention and without our notice, the notion of “The State” draws us imperceptibly into a consideration of the logical relationship of various ideas to one another, and away from facts of human activity. It is better, if possible, to start from the latter and see if we are not led thereby into an idea of something which will turn out to implicate the marks and signs which characterize political behavior.⁹

But the marks of core sovereign functions have changed over time. As the Monty Python recount of their Roman oppressor: “All right, but apart from the sanitation, the medicine, education, wine, public order, irrigation, roads, a fresh water system, and public health, what have the Romans ever done for us?”¹⁰ Public goods like sanitation, education, infrastructure, and public health are increasingly viewed as core pillars of modern sovereign power. But this was not always so. For Thomas Hobbes, trash collection did not feature in the “marks of a sovereign.” Even today, the specifics of sovereign obligation for public goods are not fixed. The Scandinavian model of public goods is different than the American and Chinese ones.

Security contractors like Blackwater further complicate clean definitions of sovereign boundaries. French theorist Bruno Latour asks whether when we see a police car go by, we exclaim: “There goes the state!”¹¹ Seems plausible. But do we make the same exclamation when it is the private security car of state leaders? This book wrestles with the somewhat bounded forms of sovereign power – police cars – with its many expressions – not *just* police cars. In other words, there are no universal necessary or sufficient conditions of sovereign power. Yet, something resembling sovereign authority exists with profound consequences for global violence, markets, and rights.

One explanation for this puzzle is that while what counts as sovereign varies, there remain dominant narratives of who counts as sovereign. For instance, the origins and meanings of racial categories are contested, but racialized effects nonetheless constitute dominant patterns of stratification.¹² Similarly, capitalism is constantly changing on the surface while also operating as “a more stable deep structure of schemas.”¹³ In social science, race and capitalism are examples of *structures* defined as unobservable “constraining conditions”¹⁴ that also “produce social capacities.”¹⁵ Ideational structures constrain and enable social capacities through the power of

⁸ Skinner 2010: 27.

⁹ Dewey 1927: 8–9.

¹⁰ Monty Python’s *Life of Brian*.

¹¹ Latour 2007.

¹² Srivastava 2020a.

¹³ Sewell 1992: 25.

¹⁴ Waltz 1979: 73.

¹⁵ Barnett and Duvall 2005: 53.

enduring ideas. Adopting this understanding, I argue that while the meaning of sovereignty is socially contingent and thus not fixed, sovereignty as an ideational structure nonetheless generates deep and powerfully patterned effects in international politics.

A FOUNDATIONAL MYTH

Sovereignty's ideational structure is visible in a foundational myth of IR, which presumes that international politics is played by discrete nation-states who possess sovereign independence from each other and private forces.¹⁶ Hans Morgenthau's succinct book title exemplifies the claim that IR is about *Politics Among Nations*. The foundational myth advances that governments are the exclusive holders of sovereign authority following the successful monopoly over the use of violence and recognized international legal authority.¹⁷ As a result, sovereign states "are the dominant form of subjectivity in contemporary world politics."¹⁸ The field's conception of sovereign authority draws from Western political theory, which has "designated the state as the quintessentially public actor, leading to one characterization of the public/private distinction as political/nonpolitical."¹⁹ The myth thus promotes that only public actors may be sovereign and that private actors are nonsovereign.

Scholars of diverse theoretical commitments rely on the myth. Kenneth Waltz justifies: "Just as economists define markets in terms of firms, so I define international-political structures in terms of states."²⁰ Prominent liberals and some constructivists have many problems with realists, but the reification of sovereign authority as exclusively public is not one of them. Alexander Wendt echoes that "states still are at the center of the international system, and as such it makes no more sense to criticize a theory of international politics as 'state-centric' than it does to criticize a theory of forests for being 'tree-centric.'"²¹ Neoliberal institutionalists criticize state-centrism but also treat nonstate actors as intervening variables in interstate relationships.²² Early global governance scholarship on private actors highlighted their epistemic, market, and moral authority instead of *political* or *sovereign* authority.²³

Following the myth, we may interpret Blackwater as a case of private power eroding sovereignty since "states have primary responsibility for and monopoly over legitimate security services."²⁴ We may inquire whether Blackwater's private power *matters* for state behavior or whether the rise of American

¹⁶ Morgenthau 1966; Waltz 1979.

¹⁷ Weber 2004 [1919]: 32; Hinsley 1986.

¹⁸ Wendt 1999: 9.

¹⁹ Lu 2006: 19–20.

²⁰ Waltz 1979: 94.

²¹ Wendt 1999: 9.

²² Milner and Moravcsik 2009: 5.

²³ Cutler, Haufler, and Porter 1999; Josselin and Wallace 2001; Hall and Biersteker 2002.

²⁴ Avant 2005: 69.

security contractors mean the United States is in decline. We may also view security contractors as unique to the current moment to assert that “not since the eighteenth century has there been such reliance on private soldiers to accomplish tasks directly affecting the tactical and strategic success of military engagement.”²⁵ The literature on security contractors is vast and has made important contributions to international politics, as I discuss in Chapter 4.²⁶ But it does not appropriately situate Blackwater’s story in sovereign politics. As the Iraqi witness observed, Blackwater’s power comes from the United States. We may invert the statement to mean that American sovereign power comes from Blackwater (and others like it). Contractors allow the United States to do more outside the official scope conditions of war. Moreover, security contractors did not suddenly reappear on the world stage, even though their use has expanded in the American context. Nor is Blackwater unique.

This book shows that Blackwater’s story recurs in other public/private hybrid relations that help accomplish global sovereign power in managing empires, regulating markets, and protecting rights. A century ago, a historian referred to the British Empire’s charter companies as “little *imperia in imperio*,” little states within a state, which the orthodox political scientists so abhor, but which persist, nevertheless.”²⁷ While the discipline has evolved over the past 100 years, this insight still holds today. However, rather than viewing entities like charter companies and others as states within a state, I argue that public/private hybridity makes sovereign power possible in the first place. Moreover, such hybridity creates new legitimation challenges for sovereign authority. The adjudication of these trade-offs allows a rare look at the socially contingent yet structurally patterned dynamics of sovereignty.

Understanding the competing dynamics of sovereignty in IR requires innovating beyond the foundational myth. Challengers have identified three shortcomings in the myth.²⁸ First, it relies on public and private as mutually exclusive poles. Second, it places private outside the state and outside politics. Third, it assumes sovereign power as a finished project expressed in “the state.” I build on this work to probe whether sovereign power has always spilled beyond public and private boundaries out of which we fashion coherent forms like states. If so, what other forms of sovereign power exist? How do we accommodate them in theories of sovereignty? What are their implications for sovereign governance?

²⁵ Singer 2001: 187.

²⁶ Brooks 2000; Singer 2003; Avant 2005; Leander 2005; Kinsey 2006; Krahmann 2010; Abrahamsen and Williams 2011; Dickinson 2011; McFate 2014; Dunigan and Petersohn 2015; Fitzsimmons 2015; Eckert 2016; Mahoney 2017.

²⁷ Adams 1922: 155.

²⁸ Mitchell 1991; Hardt and Negri 2000; Hauffer 2001; Grovogui 2002; Avant, Finnemore, and Sell 2010; Owens 2010; Best and Gheciu 2014; Green 2014; Hurt and Lipshutz 2016.

THE ARGUMENT

This book responds to these questions through a fresh approach to sovereignty in world politics that centers on hybridity. Hybridity is the condition of being multiple things at once, like in the epigraph how “the sea is the land’s edge also.” The edge is perhaps sharpest when standing on a beach that is both land and sea simultaneously. From here, we cannot definitively characterize the beach as land or sea alone; it is inescapably both. In our enjoyment of the beach, we experience the pluralism afforded by the vantage point of hybridity. But hybridity is also destabilizing as the waves continuously shift the ground beneath our feet. In cultural studies, where hybridity was first conceptualized outside the natural sciences, “the hybrid is a usefully slippery category, purposefully contested and deployed to claim change.”²⁹ I build from this understanding of the term and embrace the elasticity of hybridity as a conceptual lens that allows us to see how multiple simultaneous meanings are constantly in negotiation and contestation.

The conceptual lens of hybridity helps advance two related arguments about sovereignty. In the first argument, I introduce a hybridized framework that accounts for how sovereignty is at the same time perceived as indivisible public authority and also experienced through divisible public/private competence. I call these two kinds *Idealized Sovereignty* and *Lived Sovereignty*, discussed in this chapter, and in greater length in Chapter 1. In the second argument, the book uses the lens of hybridity to focus on the management of public/private relations within *Lived Sovereignty*. I show that not all public/private hybridity is the same, which is the subject of Chapter 2. Thus, I deploy hybridity in two ways: (1) Sovereignty is both *Idealized* and *Lived* at once; and (2) public/private hybridity takes multiple forms within *Lived Sovereignty*.

In this book’s first contribution, I double down on the importance of sovereignty for IR while updating its conceptual repertoire for more wide-ranging studies of world politics. The effort begins with distilling debates surrounding sovereignty to two stylized modes of *Idealized* and *Lived Sovereignty*. *Idealized Sovereignty* is the classic conception of indivisible, public, supreme sovereign authority promoted from Jean Bodin to Donald Trump. Representing traditional approaches, Morgenthau endorses indivisibility in *Idealized Sovereignty*: “Two or more entities – persons, groups of persons, or agencies – cannot be sovereign within the same time and space.”³⁰ Jens Bartelson notes that sovereignty “cannot be divided without ceasing to be sovereignty proper, and precisely this quality of being indivisible distinguishes sovereign authority from other forms of political power.”³¹ Moreover, sovereignty also applies to the international realm where “the state is sovereign in that it must answer to no higher authority in the international sphere.”³² While many

²⁹ Hutnyk 2005: 80.

³⁰ Morgenthau 1948: 360.

³¹ Bartelson 2011: 85.

³² Gilpin 1981: 17.

IR scholars have complicated *Idealized Sovereignty*, its core doctrine of indivisibility maintains a strong pull for political operatives. More broadly, while the meaning of sovereignty is socially constructed, *Idealized Sovereignty* as an organizing principle remains “the primary identity value of the international life world.”³³

In contrast, *Lived Sovereignty* is the divisible performance of sovereign competence through public/private hybridity where entities are both private and public at once. *Lived Sovereignty* builds on political and social theorists for whom sovereign power has always been a bargain between various actors. Harold Laski remarks: “Everywhere we find groups within the state, a part of it. . . . Whether we will or no, we are bundles of hyphens.”³⁴ *Lived Sovereignty* allows us to see how Blackwater makes American sovereign power possible by assisting in organizing violence abroad. Such participation fundamentally alters the demarcation of contractors as “private.” Feminist perspectives in international law have long complicated the production of public and private as it relates to sovereign power.³⁵ Patricia Owens also suggests paying attention to what is “made public” and “made private.”³⁶ When operating within the foundational myth, one may ask “what we learn by acknowledging that not all interesting actors within the international system are fully sovereign.”³⁷ *Lived Sovereignty* shifts the emphasis to inquire instead what we learn by acknowledging that *all* interesting actors within the international system reflect public/private hybridity.

The lens of hybridity brings together the two modes of sovereignty to show that divisible public/private relations underlie sovereign power in *Lived Sovereignty*, while simultaneously the contours of who counts as sovereign authority are informed by *Idealized Sovereignty*. Crucially, both *Idealized* and *Lived* forms coproduce sovereignty in world politics. The analytical payoff is a realignment of the traditional axis of sovereignty debates away from inquiring whether sovereignty is declining or resurging.³⁸ Most conventional scholarship “is obscured by public definitions of authority that render privatized authority relations analytical and theoretical impossibilities.”³⁹ Introducing hybridity into sovereign politics unsettles this occlusion. In the real politics of world affairs, there is no autonomous public or private; all we have is their mingling to various degrees and levels of success. The “illusion of free markets” extends to the illusion of autonomous sovereigns.⁴⁰ Hybridity thus is not incidental or detrimental to sovereignty, but *integral* to it.

³³ Reus-Smit 1999: 29.

³⁴ Laski 1916a: 425, quoted in Stern 2011: 9.

³⁵ Romany 1993; Walker 1994; Charlesworth 1995; Landes 1998; Prokhovnik 1998; Cohen and O’Byrne 2013.

³⁶ Owens 2010: 32; emphasis original.

³⁷ Lake 2003: 307.

³⁸ Sassen 1996, 1998; Strange 1996; Gill 1998; Arrighi 1999; Falk 1999; Hardt and Negri 2000; Jayasuriya 2001; Spruyt 2002; Slaughter 2004; Cohen 2006; Goldsmith and Wu 2006; Jackson 2007.

³⁹ Cutler 2003: 35.

⁴⁰ Harcourt 2011.

Hybridizing *Idealized* and *Lived Sovereignty* responds to Morgenthau's call that "the denunciation of sovereignty occurs much more frequently than does a serious endeavor to comprehend its nature and the function it performs for the modern state system."⁴¹

But where there is hybridity, there is also contestation. Divisible sovereign competence in *Lived Sovereignty* must be accommodated within indivisible sovereign authority in *Idealized Sovereignty*. For instance, by using Blackwater, the US bureaucracy is forced to continually rearticulate its core sovereign missions, or "inherently governmental functions," when determining how to deal with public/private hybridity in warfare. Thus, following Dewey, a marker of *Idealized Sovereignty* is determining *what* counts as public and private in the bundles of hyphens that make up *Lived Sovereignty*. Moreover, new dilemmas emerge in public/private hybridity where entities perform sovereign functions without corresponding governing responsibilities. Since *Idealized Sovereignty* assumes indivisible public authority, it fails to provide sound criteria for holding responsible divisible public/private relations in *Lived Sovereignty*. Blackwater's security contract, a feature of *Lived Sovereignty* in American wars, resulted in legal and political accountability gaps from governance structures operating in *Idealized Sovereignty*. We are unable to address these governance challenges until coming to terms with hybridity and its consequences for sovereignty.

This book's second contribution is to highlight different types of public/private hybridity in *Lived Sovereignty* and their unique legitimization challenges for *Idealized Sovereignty*. I develop three ideal-types based on the relative formalization and publicization of public/private hybridity.

Contractual hybridity features more formalized and publicized hybrid performances of sovereign functions through contracts. For instance, prison and school contractors provide policing and education in the United States and elsewhere. *Contractual hybridity* faces challenges of distributed accountability because public/private hybrid configurations evade defined obligations in law and politics. As such, contractors do not typically face the same financial disclosure or conflict of interest rules as traditional government employees.

Institutional hybridity features less formalized and publicized hybrid performances of sovereign functions embedded in institutional networks. For instance, lobbyists and corporate lawyers embed themselves in global trade institutions for informal access to negotiating technocratic deals. *Institutional hybridity* faces challenges of exclusivity because public/private hybrid configurations are implicated in elite networks that exclude nonmembers. Consider that corporations can take governments to arbitration in commercial courts based on privileges granted by the bilateral investment network, whereas consumers cannot.

⁴¹ Morgenthau 1966: 299.

Shadow hybridity features the least formalized and publicized hybrid performances of sovereign functions exchanged in the shadows. For instance, credit rating agencies rely on confidential information and access to continually monitor sovereign bonds undergirding a government's creditworthiness. *Shadow hybridity* faces challenges of undermined trust because public/private hybrid configurations rely on behind-the-scenes deals with unlikely partners. For example, the agencies may soften a downgrade to maintain governmental access, thereby jeopardizing societal trust in their independence.

Finally, in the book's third contribution, the empirical subject matter traverses the traditional IR subfields to show public/private hybridity in practice across four diverse global organizations: The English East India Company, Blackwater, the International Chamber of Commerce, and Amnesty International. The English East India Company was created by royal charter in 1600 for trade to "the Indies" and was the primary conduit of the British Empire in India until 1858. Blackwater was founded in 1997 as a weapons training facility and became infamous during the 2003 War in Iraq as the State Department's largest security contractor. The International Chamber of Commerce, founded in 1919, is a world federation for free trade composed of more than 8,000 corporations and chambers of commerce in 130 countries. Amnesty International, formed in 1961, is the world's leading human rights international nongovernmental organization with over seven million members. These cases are typically conceived as private authority challenging *Idealized Sovereignty*, but I reclassify them as representative of public/private hybridity in *Lived Sovereignty*. I elaborate on the empirical strategy in Chapter 2, but I selected the "most important" cases for each ideal-type of hybridity in the domains of violence, markets, and rights, where I argue sovereign competence especially matters. This is central to my Weberian-inspired interpretivist methodology that looks for usefulness of ideal-types in as many diverse contexts as the discipline allows.

The research draws on extensive multisited original archival material collected from the United Kingdom, France, the Netherlands, and the United States, including minutes from 23,552 organizational meetings covering 193 years, and news data covering 70 years. The data collection deliberately sought traces of sovereign power outside the standard governmental archives to instead focus on how sovereign politics emerges in seemingly nongovernmental records. I often rely on previously restricted data that have not been presented before. The analysis uncovers a range of experiences in the making of global sovereign power, including secret company committees negotiating imperial wars, contractors conducting foreign policy, lobbyists killing international organizations, and NGOs collaborating with governments under their scrutiny to protect individual dignity.

The empirics ultimately show that IR is unable to fully comprehend empire, war, capitalism, human rights, or great power status without examining public/private hybridity. I developed the ideal-types inductively through analyzing the English East India Company from 1678 to 1780. During this time, the Company cycled between

contractual, *institutional*, and *shadow hybridity*. In *Lived Sovereignty*, the Company's hybridity constituted Britain's sovereign power by reversing global capital flows from the East to the West and set the course for empire and capitalism. The Company's hybridity also helps see the tensions generated from the hybridized framework of *Idealized* and *Lived Sovereignty*. In *Lived Sovereignty*, the Company developed an increasingly more self-possessed understanding of its sovereign authority, which conflicted with emerging discourses of British *Idealized Sovereignty* and led to reining in the Company at the close of the eighteenth century. The more contemporary cases help reveal the payoffs and pitfalls of each ideal-type for sovereign governance. Blackwater highlights that *contractual hybridity* sustained the United States' war efforts, but also exposed distributed accountability in governing war contracting. The International Chamber of Commerce shows that *institutional hybridity* shaped rulemaking for global capital, but also created exclusionary networks, generating unequal outcomes for governance. Amnesty International demonstrates that *shadow hybridity* built a global polity for human rights, but also engendered mistrust by working with those under its watch. Finally, the book underscores that public/private hybridity operates across multiple levels within (Blackwater), between (International Chamber of Commerce), and above states (Amnesty International).

PLAN OF THE BOOK

The rest of the pages proceed as follows. The theoretical heart of the book is in two chapters. Chapter 1 hybridizes seemingly irreconcilable approaches in *Idealized* and *Lived Sovereignty* on the question of sovereign indivisibility. I draw from early modern political philosophy and international theory, taking a brief detour into the founding of the United States to show how the debate about indivisibility played out in practice. Then, I use hybridity to reorient the major IR debates on sovereignty. Chapter 2 builds on the hybridized framework to introduce the analytical core of the book in the ideal-types of public/private hybridity. I also engage with Weber by first outlining the process of ideal-typification and then extracting an interpretivist methodology that sets up the research design for the cases.

The empirical investigations form the bulk of the book. Chapter 3 analyzes the English East India Company from 1678 to 1780 to show *contractual hybridity* in formalized charter negotiations, *institutional hybridity* in more use of political networks, and *shadow hybridity* in secret deals. I also use legal cases and correspondence to highlight the transformation in the Company's self-understanding of sovereign authority from a privilege to a right. Chapter 4 explores *contractual hybridity* in Blackwater organizing international violence. I present the history of contracting and situate Blackwater's role in conducting American wars. I follow the policy repercussions from the governance challenge of distributed accountability related to Blackwater's problematic practices, such as the bureaucratic redefinitions of