

At the down of a new order: hegemonism as the landmark of an evolving international system.

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The aim of this article is to analyze the continuity and change in the evolution of American order in the post-Cold War period. Puzzled by the relative disregard of commensurate conceptual analysis of the effects of the dramatic events of September 11th on the evolution of the international order, in this work I consider the ways that the international order evolution has taken as a result of the terrorist attacks. Engaging in an analysis from the perspective of the transatlantic relations and striving to contribute to the realist-institutionalist and unilateralist-multilateralist debate, my analysis builds on the fundamental theoretical frameworks of international order by Robert Gilpin and John Ikenberry. Applying both theoretical frameworks to the institutional arrangements of the transatlantic relations of the post-Cold War period, the research highlights the qualitative changes of international order, resulting from the events of September 11th, thus instituting the latter as a 'breaking point' in the wake of which the order took a hegemonic shape

Introduction

It is already a common place to speak about the events of September 11, 2001 as the latest turning point of historical importance. However, while many scholarly works implicitly or explicitly underline the *critical nature* of changes engendered by the terrorist attacks, they tend to define their arguments in very *narrow* terms, considering for instance a set of interstate relations (Friedberg, 2002) or various policy areas (Gormley, 2002). Thus, the gap exists between the revolutionary scope of the development and narrower approaches to its analysis.

While attempting to fill this gap, this article approaches the events of September 11th from the perspective of international order. American foreign policy and specifically its transatlantic dimension is the decisive area to look at. The very unprecedented scope of the US power, enjoying supremacy virtually in every aspect of social life, enables it to develop and sustain an international order. On the other hand, the transatlantic relations stand at the center of the American order-building efforts, for the very potential of Europe to influence the central place of Washington in the international system.

The aftermath of the terrorist attacks on America witnessed considerable weakening of the transatlantic ties unlike for the turbulent post-Cold War decade. The souring of the US-EU relations in the wake of 9/11 developed in a clear contrast to the Euro-Atlantic ties in previous periods. The tide of problems triggered by the developments in Afghanistan, Iraq and in a number of policy areas has shaken transatlantic consensus, animating the long-standing debate between unilateralism and multilateralism and the wider debate between realism and institutionalism¹ in the US foreign policy discourse. While the post-Cold War order was marked by transatlantic disputes over the perception of power, force, stability and other broad issues (Kagan, 2003), these disagreements, according to John Ikenberry, within 1991 – 2001, had no negative impact on the further development of the American international order, based on the wider shared constitutional principles (Ikenberry, 2001). However, all this harmony changed after 9/11 that brought about crucial reorientation of the US strategies. Noting this, can we speak about the (post-) September 11th world as an instance of the new international order? And if the *change* has indeed occurred, then what is the nature of the American order in the wake of the new historic 'breaking point'² represented by 9/11?

In this article I argue that firstly, the developments within NATO and other institutional mechanisms of the transatlantic interaction, triggered by September 11th, give grounds to qualify the latter as the latest order-scale 'breaking point'; and secondly that American strategies toward European partners and transatlantic arrangements, adopted in the post-9/11 order, testify to the hegemonic nature of the emerging international order, albeit of its weak modification.

I begin the article by placing the American order-building strategy into the context of multilateralism/institutionalism – unilateralism/realism debate, developing it into a more concise discussion within *constitutional theory - hegemonic stability* spectrum, thus creating a framework for the subsequent analysis. Next, I discuss American strategy throughout post-Cold War period, noting a qualitative difference between the 1991-2001 American order and that of the post-9/11 period, thus establishing the latter as a new 'breaking point'³.

¹ In my article I equate unilateralism with realist paradigm and multilateralism with the institutional image of international relations. Though the legitimate concerns may be expressed about the adequacy of this equation, the underlying logic of both unilateralism and multilateralism gives ground to draw parallels with realist-institutionalist debate, which will be shown in the first section of the article.

² The term 'breaking point' is borrowed from Adam Bronstone (1997). In this work, the concept of 'breaking point' closely relates to 'change', with the latter meaning the qualitative shift in 'the governing arrangements among a group of states, including...basic rules, principles, and institutions' of the order (see Ikenberry, 45) and the former – a point that introduces 'change', delineating one international order from the other.

³ In accounting for the nature of post-war orders, according to Ikenberry two variables should be employed: first, the basic characteristics of orders in managing power disparities and second, the strategies that the leading power employs to create the order (see Ikenberry, 21-22).

And finally I concentrate on the main features of the American post-9/11 strategy, arguing that it basically represents an instance of the hegemonic order-building practice.

Framing the debate

The very scope of the American preponderance in world politics throughout the 20th and beginning of the 21st century, complemented by the historic experience of breaking away with isolationism, and thus embracing only internationalism, induced the debate between unilateralists and multilateralists over the most expedient ways of the projection of this preeminent US power in world politics. Moreover, this debate is echoed by a general realist-institutionalist dispute in international relations discipline. A set of policy issues, which the debate is revolving around are: the ways of assuring the longevity of American hegemony and broadly, mechanisms of advancing American national interests; advisability of either short- or long-term 'returns to power'; capability of the American power in addressing global problems.

While arguing for the central role of the American hegemony as a guarantor of the stability of international order, unilateralists stand for Washington's freedom of action in its engagement policies, echoing realist perception of power maximization. They believe that while diminishing returns to the dominant power weaken American positions, unfettered projection of power gives more margins of the choice and the tailoring of successful policies to prevent unfavorable developments. On the other hand, as the power, underpinning international stability, 'the United States is said to have certain 'custodial' obligations; it cannot afford to be constrained by rules and institutions' (Patrick, 2002, 15). This orientation to the short-term gains is closely tied with negative perception of institutions, rules, obligations and other binding commitments. Unlike multilateralists, unilateralists perceive power calculation as the sole guiding principle of the foreign policy, fearing that foreign commitments could lead to the political engagement that is devastating to the American national interests.

Contrary to the unilateralists, multilateralists assume a broader room for maneuver, emanating from the consensual engagement and self-restraint. Thus, they argue that by providing mechanisms to 'resolve differences... coordinate action, and monitor and enforce commitments' (Patrick, 2002, 10), multilateral frameworks expand the specter of the hegemon's alternatives rather than constrain them. Therefore, multilateralists like institutionalists, argue for the greater employment of international institutions, rules, transnational regimes and other frameworks finding unilateralist skepticism premature. Multilateralists argue that as a result of the employment of the institutional and other forms of cooperative power projection, the leading state wins the minds of allies and challengers, thus raising the legitimacy of its domination.

Of course, each of the debating approaches also has its own vision of the international order. A more focused analysis enables to sort out two interrelated

theoretical frameworks of international order, specifically *constitutional theory* of John Ikenberry and *hegemonic stability* of Robert Gilpin (Gilpin, 1981), each representing one of the debating parties, laying out a more focused take on the questions posed. Both Gilpin and Ikenberry approach international order from the standpoint of *change* in its functioning, at the same time complementing each other: while Gilpin concentrates on the *decline* of order, Ikenberry's focus is on the *emerging* order. At the same time, hegemonic stability underpins one of the three types of Ikenberry's international order gradation (Ikenberry, 2001, 23-29). According to this gradation, while hegemonic and constitutional theories exhibit opposite poles of the spectrum of order-building efforts, they have a middle ground: weak constitutional orders can develop into hegemonic order, and vice versa (Ikenberry, 2001, 49). This gives an opportunity to develop a 'flowing' gradation of orders and, thus, account for the much broader instances of international phenomena.

The focus of Ikenberry's analysis is the fundamental problem of devising and maintaining a stable and legitimate order (Ikenberry, 2001, 4)⁴. He argues that the best place to analyze the problem is to turn to the 'rare historic junctures' after major wars, when 'states are grappling with fundamental questions of order' (Ikenberry, 2001, xiii). While the end of the war ruins the old system and leaves the world politics in a state of huge power disparities between winners and losers, the leading state has a fundamental task of creating a stable⁵ and legitimate order. From a set of alternatives available, Ikenberry argues that the best way of handling this task is the 'strategic restraint', underpinned by institutions, on the part of the hegemon, which this way earns legitimacy for its new order. He defines this kind of 'modest' order as *constitutional*.

According to Ikenberry (Ikenberry, 2001, 30-32), there are three fundamental characteristics of a constitutional order. *First*, there is a broad agreement about the basic 'rules of the game'. Both leading state and minor powers engage into the order willfully, as they see clear advantages of this type of order to their specific set of interests (positive sum game). *Second*, institutions and procedures, with substantial independent voice and growing influence ('high returns to institutions') are established, which ensure the indiscriminate exercise of power. In consensual order the leading state engages into 'strategic restraint', employing institutional mechanisms that set effective restraints on its own power and simultaneously bind minor powers to the institutional procedures. And, *finally*, these institutional arrangements should be rooted in the wider political context, which makes them difficult to retract.

⁴ According to Ikenberry 'Order refers to the governing arrangements among a group of states, including its basic rules, principles, and institutions. Political order is created when these basic governing arrangements are put in place, and the political order is threatened or broken apart when these arrangements are overturned, contested, or in disarray' (Ikenberry, 2001, 23). Moreover, change in these 'governing arrangements' embrace not every rule or principle, but only basic rules, or 'rules of the game' (Ikenberry, 2001, 23).

⁵ The definition of stability in Ikenberry is closely tied to the understanding of order and means 'the ability of political order to contain and overcome disturbances to order' and 'ability to handle internal and external forces' that encroach on the foundations of order (Ikenberry, 2001, 45).

Moreover, a constitutional order embraces various types, from weak to strong institutionalism. The strength of this order hinges on the degree that the binding mechanisms of power restraint play a central role within the order. The stronger the legitimacy of 'rules, rights and protections' are and the more they get 'institutionalized and generally observed', the stronger the constitutional order grows (Ikenberry, 2001, 36). The weak constitutional order exhibits, on the contrary, tendency to limit and often negate central role of binding mechanisms. This creates the possibility of development of order into the hegemonic one (Ikenberry, 2001, 28) that, as I will argue later, was the case with the weak constitutionalism of the post-Cold War world, which developed after 9/11 into the weak hegemonic order. In this case, there is a conceptual bridge between various types of order in Ikenberry's analysis, and between his constitutional theory and Gilpin's hegemonic stability.

Taking for granted the realist perceptions of states as rational profit maximizing actors, Gilpin argues that order is created by the hegemonic state, whose power preponderance renders system stable. Striving to further its gains, according to hegemonic stability, a leading power fashions the order in the way that best suits its interests of power maximization (thus embracing the unilateralist logic). It provides both threats and benefits to ensure the participation of weaker states in the systemic arrangements that favor its interests. However, as a result of economic, technological and military changes, the hegemon loses its power preponderance, while other states gain in their power relative to that of the leading state. As a result, 'a disjuncture between the existing social system and the redistribution of power' (Gilpin, 1981, 9) creates an incentive for discontent actors to seek to alter the order, leading to hegemonic war the consequences of which reflect the new distribution of power.

An interesting theoretical issue is that hegemonic orders can run a broad way from 'weak' to 'strong' modifications (Ikenberry, 2001, 26-27), forming a 'spectrum of strength'. The 'strong' hegemonic order is built around direct coercion, embodying a hierarchical logic of strict subordination. On the contrary, in the 'weak' modifications of hegemonic order, 'hierarchical power relations and political authority are established by the rule of law' (Ikenberry, 2001, 26) and come very close in its operational logic to the 'weak' constitutional orders (Ikenberry, 2001, 28).

Continuity and change in the US foreign policy in the post-Cold War period.

The American order throughout 1990s was generally marked by a constitutional logic, championed by the engagement and enlargement doctrine of the Clinton administration (Clinton, 1996, <http://www.fas.org/spp/military/docops/national/1996stra.htm>). For the reasons mentioned previously, the research focuses on the transatlantic ties to assess US foreign policy for the period under discussion. Thus, initially the US substantially strengthened, in comparison to previous years, its institutional ties with the European Union by signing the New Transatlantic Agenda (NTA) and the Joint Action Plan (JAP) in 1995. On the other hand, as the basic pillar of

transatlantic institutional security cooperation, NATO has not only preserved its existence, but also entered an era of expansive readjustment and evolution. These developments rendered neorealist worries obsolete and expanded the agenda of transatlantic relations on the new institutional basis.

However, the analysis of the post-Cold War international order shows that the evolution of institutional developments has been marked by ambiguity and half-heartedness, which was apparent both regarding the implications of NTA and JAP and subsequent evolution of NATO. The close examination of the aforementioned institutions, underpinning transatlantic relations for the 1991-2001 period shows that in each case one of the three fundamental characteristics of constitutional order was absent, thus rendering the post-Cold War American order constitutional, albeit of its weak modification.

In the wake of 9/11, the American order has dramatically changed its underlying logic. A weak constitutional order could not manage to absorb a major shock that has shaken the underpinnings of the international order. As a result, all three features of constitutional order lost their credibility, with the American order taking a brand new shape in the post-9/11 period. While the end of (a weak) constitutionalism of the post-Cold War order in this situation is at hand, this makes September 11th the latest order-scale 'turning point' of international relations.

NAT / JAP

On December 3, 1995 at the Summit in Madrid transatlantic partners signed the NAT / JAP, which became the most important transatlantic arrangement besides the NATO alliance (Bail, *et. al.*, ix). While the very fabric of the Agenda and the Plan and their implications for the creation of more robust, consensual transatlantic relations are substantial, the lack of meaningful institutional provisions, underpinning the implementation of the documents have, rendered them inefficient. While the development shows the lack of one of the substantial elements of the constitutional orders (strong institutional mechanisms that effectively lower the returns to power), the same development testifies to the weak nature of the American post-Cold War order.

The treaty generally meets two out of three basic features of constitutional orders. Thus, it sets four major goals for the EU-US relations: promoting peace and stability, democracy and development around the world; responding to global challenges; contributing to the expansion of world trade and closer economic relations; building bridges across the Atlantic. This framework signals the resolve of both parties to engage in mutually cooperative order building-relations, setting the agreement about basic 'rules of the game' between the parties.

On the other hand, NAT / JAP also testify to the will of parties to support a wider political context, which makes their institutional cooperation more robust. First, both parties recognize the importance of 'the construction of a new European security architecture in which NATO, EU, WEU, OSCE and the Council

of Europe have complementary and mutually reinforcing roles to play' (European Commission, 2001, http://europa.eu.int/comm/external_relations/us/new_transatlantic_agenda), thus marking a favorable political context for institutional arrangements.

At the same time, the treaties do not introduce credible institutional mechanisms to ensure the implementation of its provisions. As some authors note, 'the NAT refers to...the development of the security architecture of Europe without...making any propositions for institutional change' (Bail *et al.*, 12). Although both sides were moved toward closer cooperation and readjustment of relations after the emergence of new problems, they have not gone much further than developing 'merely a shopping list' of what has been done (Bail *et al.*, 17), while the extent of readjustment, exemplified by 'no less than 150 specific actions' (European Commission, 2001, http://europa.eu.int/comm/external_relations/us/new_transatlantic_agenda) obviously required more effective institutional mechanisms. Responding to the growing economic problems in Euro-Atlantic relations, policy-makers initially agreed to create the Transatlantic Free Trade Area and endorse a New Transatlantic Marketplace, relying on institutional strategy. However, the fact that these initiatives subsequently have not been endorsed testifies to the weak institutional underpinnings of the transatlantic dialog for the post-Cold War period. While the case of NATO proves the resilience of this institutional framework, the subsequent discussion shows that transatlantic relations, even in the security dimension, were constructed on weak constitutionalism.

NATO

Despite the lack of notions of a specific institutional transformation by NTA and JAP, the security realm of transatlantic relations witnessed a substantial readjustment of institutional mechanisms. As an institutional expression of the transatlantic security interaction, NATO's remarkable resilience in its adaptation to the post-Cold War realities testifies in favor of a constitutional logic behind the American order. While from three fundamental characteristics of a constitutional order a general consensus on the order has been achieved and new institutional mechanisms to lower the 'returns to power' have been developed, at the same time, American inconsistency worsened a wider political context of the post-Cold War NATO.

At the dawn of the new world order, transatlantic partners unequivocally expressed their intent to proceed with the institutional cooperation. The new Strategic Concept of NATO adopted during the Rome Summit in November 1991 stated that 'member states confirm that the scope of the Alliance as well as their rights and obligations as provided for in the Washington Treaty remain unchanged' (North Atlantic Council, 2000, www.nato.int/docu/basicxt/b911108a.htm). While according to Stanley Sloan (2001), after the Cold War 'defense of democracy, human rights, and the rule of law...constituted the heart and soul of the alliance' (Sloan in Papacosma *et al.*, 2001, p.5), the allies underlined the continuing commonality of interests.

This reflected one of Ikenberry's characteristics of a constitutional order, namely broad agreement about the basic 'rules of the game'.

Moreover, NATO transformation affected mainly the introduction of new institutional mechanisms that render the alliance more resilient and assist it in lowering the returns to power, testifying for the second feature of constitutional order. First, the Strategic Concept of 1991 considerably downsized the levels of armaments, at the same time raising their integration on the multilateralist basis, thus reflecting effective constraint on the possible disengagement from the alliance and balancing in the new strategic circumstances. Second, the United States welcomed the adoption of the European Security and Defense Identity (ESDI) as a necessary step in the achievement of the provisions of Maastricht Treaty, concerning the realization of the Common Foreign and Security Policy (CFSP)⁶. Under the provisions of the ESDI, a substantial part of NATO assets can be placed under European command 'for operations in which the Alliance itself may not be directly involved' (*NATO Handbook*, p.253). This pooling and sharing of assets may be viewed in this case as a vivid instance of the institutional limitation of the 'returns to power'.

However, transatlantic relations (as well as other dimensions of the American order throughout 1990s) were marked by inconsistent constitutionalism. In the case of NATO, a number of security initiatives were taken up by Washington unilaterally, despite the reluctance of both the closest allies and international community. The US bombing of Iraq in late December 1998 in close coordination with Britain put under strain the feasibility of the development of European Rapid Reaction Force (RRF) (BBC News, http://news.bbc.co.uk/1/hi/english/uk_politics/newsid_1178000/1178971.stm), and thus threatened broader ESDI.

One of the most strenuous points of the post-Cold War transatlantic interaction was the Kosovo air campaign in 1999. While allies agreed on the necessity of joint multilateral operation, Europeans viewed the acting without the UN Security Council (SC) mandate as an exception rather than the rule (Papacosma, *et al.*, p. xiii). On the other hand, while the US contributed the bulk of forces, apparent European weakness in the conventional weapons triggered the adoption by the EU at the Cologne summit the task of creating autonomous military forces (Serfaty, 1999, <http://csis.org/hill/ts991110serfaty.html>) that could be called upon in cases when the EU acts without NATO's involvement. Hence, apart from pointing to the inconsistency of the American institutional strategy, the Kosovo campaign also testified to the relative weakness of the NATO institutional mechanisms in muting the implications of the power disparity between the allies.

The US military initiatives generally undermined one fundamental component of a constitutional order. The Iraq (1998) and Kosovo (1999) campaigns had been launched without the UN SC mandate that testifies to a broader US

⁶ For details of the CFSP, see the 'Treaty on European Union' (1996) on the European Union web-page, Luxembourg, <<http://europa.eu.int/en/record/mt/top.html>>

inconsistency toward the international institutional frameworks. Viewing the American triggering of the UN financial crisis, American extraterritorial sanctions and Washington's reluctance over the ICC Statute adoption as extremely harmful to the transatlantic relations, many analysts insisted on these developments as various instances of one phenomenon – American 'ambivalent multilateralism' (Patrick and Forman, 2002). More than that, this ambivalence was part of a greater American ambivalence toward international institutions. American policy concerning the Kyoto protocol, ICC statute, debts to the UN, and rejection of a host of international conventions substantially undercut the constitutional nature of the international order. The developments make it clear that the American post-Cold War order lacked the third fundamental component of constitutional order, namely the necessity of institutional arrangements to be rooted in the wider political context, which makes them difficult to retract.

Change after September 11th

American order dramatically changed its underlying logic following the events of September 11th. A weak constitutional order could not manage to absorb a major shock that had shaken the underpinnings of the international order. As a result, all three features of constitutional order lost their credibility. Agreement about the basic 'rules of the game' disappeared with American questioning about the effectiveness of the basic institutional arrangements of NATO and UN SC to be adequate in the new, post-9/11 circumstances and placing high value on unilateralism advanced by the doctrine of preemption (Bush, 2002, pp. 5-7, 13-16). On the other hand, the post-9/11 events showed the whole extent to which NATO is inefficient in exhibiting independence ('high returns to institutions') and making power less consequential. Acting unilaterally in Afghanistan and Iraq, Washington virtually ousted institutions from the arena of day-to-day power management. This disregard for institutions was accompanied by the new alliance doctrine, advanced by Paul Wolfowitz, according to which 'the mission must determine the coalition, the coalition must not determine the mission' that substantially diminished the role of institutions and their value in lowering the returns to power. Not strategic restraint, but employment of institutions to advance narrow self-interest became the dominant feature of the post-9/11 period. In this situation, Europeans reacted by the commensurate employment of NATO as a tool of power projection rather than consensual power restraint. As a result of the afore-mentioned, the institutional mechanisms became easily retractable as September 11th provided for the drastic changes in the overall political context.

The immediate developments of post-9/11 period pointed first to the disappearance of the consensus about the basic 'rules of the game'. The initial rejection by Washington of the European attempt to invoke article 5 of the NATO treaty marked the essence of the post-9/11 unilateralist American strategy that repeatedly manifested itself in Afghanistan and Iraq. The NATO mechanism became less attractive to Washington, which strove not to be constrained by the militarily weak allies. Moreover, the development manifested itself in the official doctrine of preemption / prevention, outlined in the National

Security Strategy (2002) of the Bush administration. The doctrine asserts the right of the US to act unilaterally, stating that 'we must be prepared to stop rogue states and their terrorist clients before they are able to threaten or use weapons of mass destruction against the United States' (Bush, 2001, p.14). The administration argued that international institutions cannot provide for a swift response to the national security threats, and preemption is a better option, giving the US self-imposed (and, thus, substantially less legitimate) right to use power indiscriminately. It runs counter to the principle of 'strategic restraint' that the leading power usually engages in the development of a constitutional order, marking deep transatlantic disagreement about the basic 'rules of the game'.

The deterioration of the consensus regarding the basic 'rules of the game' was accompanied by the growing inefficiency of NATO in making power less consequential and exhibiting low 'returns to institutions'. Thus, one of the central arguments of the post-9/11 doctrine, formulated by Deputy Secretary of Defense Paul Wolfowitz, is that 'the mission must determine the coalition, the coalition must not determine the mission (...) It follows that there will be different coalitions for different missions' (Ham, 2002, p.43). This, according to Peter van Ham, means that NATO is no more 'the privileged...institutional platform for the coordination of Western military efforts' (Ham, 2002, p.43).

On the other hand, transatlantic partners began to employ NATO institutional mechanisms to advance their narrow national interests that further deteriorated the situation. Initially, the European allies attempted to bind American power institutionally and lower the future returns to power and make it less consequential. As Stephen Walt notes, invoking 'of the article 5 of the NATO treaty...was accompanied by European insistence that the United States consult with its allies before taking action' (Walt, 2001/02, p.61). However, while the Americans were using NATO to approve the decisions already taken in Washington (Ham, 2002, p.31), the European allies followed suit, employing NATO to advance a set of their own narrow self-interests. As France led the opposition to Turkey's request to invoke article 4 of the NATO treaty prior to the war in Iraq in January – February 2003, motivating it with the argument that 'the provision of such aid would be an acknowledgement that war was inevitable' (Grant, 2003, p.19), the alliance was becoming a tool of advancing narrow self-interests of one group of member states against others. This attitude substantially questioned the independence of the NATO mechanisms as a principal tool and underpinning of the post-Cold War order, and commensurately diminished the 'returns to institutions', which together with lowering the 'returns to power' form the second fundamental nature of a constitutional order.

Finally, September 11th substantially changed the wider political context in which the institutional mechanisms of the international order operated. American policy of playing off 'Old' and 'New' Europe against each other (Donald Rumsfeld quoted in Grant, 2003, p.20) signaled about the reconsideration of Washington's constitutional policy-making toward European allies. It was a sign of an old-known "divide and rule" mechanism or balance-of-

power policy, an instance of a hegemonic policy-making when the leading state departs from its narrow power calculations, to ensure the advance of its short-term national interests as opposed to the long-term gains that provides consensual "strategic restraint" as a genuinely constitutional arrangement. The US made it explicit that its further strategy will be based on devising *coalitions of willing* – a coalition of states that engage into the alliance on an ad-hoc basis, instead of assuring the legitimacy of the issue that drives the effort. In this case, the coalitions are supposed to be created according to particular interests, but not the other way around, when constitutionalism endows alliance with independent voice and ability to forge commonality of interests. As a result, the defense summit of the leaders of Belgium, Luxembourg, Germany and France on April 29th, 2003 in Brussels formulated an *avant-garde* principle, according to which some European nations should integrate even closer in the security sphere to form a core of the EU and thus drive further the subsequent closer integration of remaining Europe. While Britain, Spain, Italy and East European countries were left out of the scheme, the 'venture...seemed to be implicitly anti-American and anti-NATO' (Grant, 2003, p.97). Thus, while the old transatlantic mechanisms in this case became even less relevant, at the same time, the very underlying political context, on which these institutions were found, was also gone.

In the situation of a weak constitutionalism of 1991-2001, when the 'returns to institutions' were low and they played diminishing roles in muting the power disparities, the breakdown of order after the shocking events of September 11th was predictable. American strategy, marked by 'ambivalent and selective multilateralism' has already set up a shaky basis for the constitutional order. In this situation, September 11th reversed all three characteristics of constitutionalism. Thus, September 11th became a watershed between the weak constitutionalism of the post-Cold War period and post-9/11 international order. However, while September 11th marks the 'breaking point', the question arises: What instead is emerging in place of the old American order?

American 'ambiguous' hegemonism

The initial trajectory of the Bush administration policy in the immediate wake of September 11th testified to the aspiration of Washington to seek 'acquiescence of weaker and secondary states', thus striving to legitimate order (Ikenberry, 2001, p.xi). The US engaged in the enormous effort to forge an international coalition to combat terrorism. However, what eventually happened was the reversal of constitutionalism of the pre-9/11 American order.

Many analysts have argued that the post-9/11 developments can aptly be accounted for in terms of the realist power politics (Gray in Booth and Dunne, 2002)⁷ framework. Moreover, the major thrust of developments aptly fits into Gilpin's hegemonic stability theory provisions, as following. *Firstly*, while, the

⁷ See also Abdullah Ahmed An-Na'im, 'Upholding International Legality Against Islamic and American Jihad', *Ibid.*, 164; Robert Cox, 'Meaning of Victory: American Power after the Towers', *Ibid.*; Amitav Acharya, 'State-Society Relations: Asian and World Order after September 11', *Ibid.*

distinctive feature of the international order is hierarchy, the stability of the system hinges on the power preponderance of the leading state. *Next*, the hegemon acts on the basis of power maximization, managing the system in the ways that serves this aim. And *finally*, in adjusting the order, the leading state employs both threats ('sticks') and benefits ('carrots') to ensure the participation of weaker states in the systemic arrangements that favor interests of the hegemon.

The following discussion proceeds in three steps, based on Gilpin's framework. First, I will analyze the character of mechanisms employed by Washington to ensure the stability of the post-9/11 order. Secondly, I will elaborate on the underlying incentive that drives the US order-building. Finally, I will elaborate on the ways of Washington's strategy to ensure the operation of the order. The analysis shows that the weak constitutionalism of the post-Cold War order has developed after the breaking point into a hegemonic order, albeit of its 'weak' modification.

One of the prominent features of the emerging international order is the American inclination to secure the stability of the system through the projection of its dominant power. However, this projection is often marked by inconsistency.

Driven by the huge power preponderance, Washington in the post-9/11 period embraced unilateralist/realist strategies to defeat the threat and ensure the ultimate stability of the order. When in the immediate aftermath of the attacks in New York and Washington, European allies on September 12, 2001 invoked article 5 of the NATO treaty, the US was reluctant to positively react to the initiative. Afterwards, during the war in Afghanistan, as Cox notes, the US showed little interest in concerted action with allies, while 'the Europeans had been sidelined almost completely in an American war fought for largely American ends' (Cox in Booth and Dunne, 2002, p.156). Thus, the ultimate stability of the order became reliant solely on the American [military] preponderance, which was the prime tool of ensuring order stability.

The hegemonic perception of the stability of the post-9/11 order makes itself explicit also in the case of Washington's aspiration for exemption from international law. While the Americans argue that they 'are painfully aware of the exceptional risks that they will run as *the* sheriff for order' (Gray in Booth and Dunne, 2002, p.233), they seek the right to act unilaterally, without constraints and legal obligations. Between July 2003 (Grant, 2003, p.46) and May 2004 (ISN Security Watch, <http://www.isn.ethz.ch/infoservice/secwatch/index.cfm?service=cwn&parent=detail&sNewsID=8864&menu=74860>) Washington pressed 99 countries to engage into bilateral treaties with the US, ensuring that they would never hand over American soldiers to the International Criminal Court – one of the prime institutional pillars of the international law enforcement. On the same grounds of exemption as a necessary precondition of attaining security in the new circumstances, Washington also used 9/11 to renounce the Anti-Ballistic Missile (ABM) treaty.

However, while the post-9/11 order is marked by instances of the American initiatives in the accommodating of allies, these developments testify to a weak nature of this hegemonism. Specifically, despite wariness, the US subsequently acquiesced to the invoking of article 5 and gave allies vast roles during the post-war reconstruction in Afghanistan, seeking their accommodation in achieving order stability. On the other hand, the American appeals to the UN SC authorization for exemption of US soldiers from the ICC provisions, signals the inconsistency of the US policy toward international law exemption. In its foreign policy Washington strongly relied on the Security Council Resolution 1487, adopted in July 2003, which effectively exempts US troops from international war crimes prosecution. Moreover, the Bush administration reportedly requested the renewal of the Resolution (ISN Security Watch, <http://www.isn.ethz.ch/infoservice/secwatch/index.cfm?service=cwn&parent=detail&sNewsID=8864&menu=74860>), expressing the readiness to work with the UN on the law exemption. On the other hand, the withdrawal from the ABM was accompanied by efforts to gain Russian approval and broader international acquiescence (Perez-Rivas, 2001, www.cnn.com/2001/ALLPOLITICS/12/13/rec.bush.abm/). Thus, Washington's ambiguity in the issue of exemption from international law and treaties to ensure stability of the hegemonic order, points to weak hegemonism of the emerging order.

Power maximization as the underlying incentive of order

The post-9/11 American strategies are heavily predetermined by the power maximization. In doing so, Washington followed hegemonic methodologies of order management. However, while this logic behind the American strategy is at place, the US works extensively with other states to gain legal coverage from the UN, making the emerging system an instance of a weak hegemonism.

The Bush administration's policy of preemption is one of the most prominent examples of urging other states to comply with the American security interests. It secures Washington's right to launch a military operation against a range of states (defined by the 'axis of evil' doctrine) to prevent them from acquiring WMD or tailor policy that is alien to the US. Preemption marked a substantial resistance of the European allies to share a common vision of the American anti-terrorist strategies centered on the issue as to what extent the use of military means is justified. While the preemption is a tool of advancing broad American national interests, at the same time it does so in a clear hegemonic style of direct coercion, demanding compliance of other states with the US policy and, thus, avoiding consensual mechanisms.

The 'axis of evil' doctrine (Bush, 2002, <http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html>) is another instance of the hegemonic molding of the order in ways that satisfies the interests of the leading power, violating the UN Charter that prohibits the threat or aggressive use of force in foreign policy, thus triggering transatlantic disagreements. While Europeans share Washington's worries about the WMD proliferation, they do not see a direct link between the proliferation and rogue

regimes (Voigt, 2002, http://www.auswaertiges-amt.de/www/en/aussenpolitik/ausgabe_archiv?archiv_id=3740&type_id=3&bereich_id=31). Brussels sees the military solution as pre-mature and destabilizing rather than alleviating. Instead, Europeans propose to accommodate these regimes and provide incentives for cooperation. Notwithstanding the conceptual differences, the Bush administration's reliance on the military coercion is clearly hegemonic.

However, while Washington clearly seeks power maximization, at the same time, it does so *often* on the basis of consensus rather than a sheer power projection. Throughout the post-9/11 period Washington has engaged in a number of consultations, to ensure that national interests of other states are also secured. Simultaneously, the US actively worked with the UN SC to secure the legal framework for its power maximization. As a result, there have been adopted a number of resolutions, condemning terrorism, with the Security Council members' support of the September 28, 2001 UN resolution that 'gave...*carte blanche* to the US to take whatever actions it thought justified to attack sanctuaries for terrorism' (Keohane in Booth and Dunne, 2002, p.144). Thus, the American power maximization to a good extent relies on the coordination of interests with other states, thus facilitating American attempts to gain support of the UN, and rendering Washington's power maximization of a weak hegemonic nature. As Peter van Ham argues, Washington's post-9/11 policies reflect the American strategy of 'building a benign 'empire'' (Ham, 2002, p.32).

Coalition building after 9/11 or the hegemonic policy of 'sticks and carrots'

While Washington discovered that the war on terror 'cannot succeed without extensive and enduring support from many other countries' (Walt, 2001/02, p.63), its strategy was marked by the employment of both 'sticks' and 'carrots', as two elements of hegemonism. However, by rendering substantial assistance to both the improvement of NATO capabilities and raising of allies' military preparedness, the Bush administration endorsed weak hegemonism.

The pre-Iraqi war US coalition building is a suggestive instance. While making it clear that neutrality is unadvisable, Washington, at the same time, entered an astonishing bargain with its NATO allies. It promised multibillion-dollar assistance to Ankara in the case of joining the military campaign (Hartung *et al.*, 2002, <http://www.globalsecurity.org/org/news/2002/021019-iraq2.htm>). And this is despite the fact that Turkey is a member of NATO and there are institutional mechanisms of reaching a (consensual) solution to the Turkish participation in the US coalition. The same economic aid promises have been extended also to other European allies. Thus, instead of the institutional mechanisms of order/coalition building and appeal to legitimacy, the US engaged in the policy of 'carrots' on the bilateral basis (Walt, 2001/02, p.61).

On the 'sticks' end of the hegemonic coalition-building spectrum was an American drive to punish errant allies after 9/11. On March 2002 Washington

introduced tariffs on imported steel. While American partners on NAFTA have been excluded from the tariffs, their major target was the European Union. By this, according to Wallerstein, the Bush administration intended to 'teach Europe the lesson that it had better toe the line' (Wallerstein in Booth and Dunne, 2002, p.99).

However, the American policy of hegemonic incentives is marked by inconsistency in the light of the Prague summit of NATO in November 2002. The US has made substantial contribution to ensure the achievement of two summit objectives: first, to endorse the institutional improvements ensuring the efficiency of NATO capabilities as a security actor; second, to provide measures for the development of allies' military capabilities to alleviate power asymmetry within NATO, testifying to the American support of both the further improvement of the transatlantic institutional mechanisms and allies' military capabilities.

Thus, the 'breaking point' of September 11th instituted 'weak' hegemonic order. While the emerging system complies with all the characteristics of the hegemonism, outlined by Gilpin, at the same time the continuing validity of major institutional mechanisms and huge potential and experience of constitutional cooperation between the transatlantic partners, shapes a weak nature of the current hegemonic order.

Conclusion

In an attempt to account for the revolutionary impact of September 11th on international developments in commensurately big-scale terms, this article engaged in the analysis of the problem of continuity and change of the international order. It did so through the prism of the transatlantic relations, due to their importance for the order-building efforts of the US. The analysis tried to highlight the degree to which the events of 9/11 triggered changes in the international system, while at the same time assessing the nature of these changes.

The research argued that September 11th became the instance of the latest 'breaking point', after which the American order embraced hegemonic logic, albeit of its 'weak' modification. The analysis of the American post-Cold War order (1991-2001) does show the continuity of its constitutional underpinnings throughout 1990s. During this period, Washington has taken steps to ensure the important role of multilateral institutions, treaties and procedures in shaping the distribution of power between the US and its European partners, reflected in the constitutional logic behind the institutional evolution of NATO and the NTA / JAP. However, the Clinton administration's policy was marked by inconsistency and 'selected multilateralism' toward international institutions that rendered the American order an instance of weak constitutionalism. In this situation, the major shock of September 11th changed the nature of the international order, resulting in the retraction in all of the basic features of a constitutional order. Transatlantic agreement about the basic 'rules of the game' disappeared, and the UN and NATO became less independent, thus

deteriorating the overall political context, in which the institutional mechanisms became easily retractable.

The major developments of the post-9/11 period have pointed to the hegemonist track of the American order evolution. The stability of the order became heavily dependent on Washington's power preponderance. Accordingly, the underlying incentive that drives the US order building has become power maximization, to sustain order stability. And finally, Washington employed the policy of both threats and benefits to ensure the participation of other states in the operation of order. However, in each of these hegemonic inclinations the Bush administration demonstrated inconsistency that gives ground to qualify the emerging order as an instance of weak hegemonism.

Understanding the true role of September 11th and its effects on the international order has both theoretical and empirical implications. On the theoretical level, transformation of constitutional arrangements of the post-Cold War into post-9/11 hegemonism means that constitutional orders are not as stable as Ikenberry portrayed them. While Ikenberry argues that once in place, a constitutional order exhibits high returns to the character and makes the change of its underlying arrangements costly (Ikenberry, 2001, p.70), the analysis of the transformation of constitutional arrangements of the post-Cold War into hegemonism points to the contrary. Second, while Ikenberry argues that the leading power prefers to embrace a constitutional logic to proceed with the order building at the historic juncture (Ikenberry, 2001, p.xi), the Bush administration's policy has not complied with this logic. Third, the post-9/11 developments have not proved Ikenberry's thesis that huge power disparity (more drastic in 2001 than in the immediate aftermath of 1991) and democratic nature of states (transatlantic partners) make constitutional outcome more likely. The immediate empirical implication of the research findings, on the other hand, informs about the period of the long-term instability that the American order has entered. According to Ikenberry, hegemonic order does not possess meaningful mechanisms to mute the consequences of emerging power disparities (Ikenberry, 2001, p.29) that threaten the order stability. On the other hand, hegemonic stability (with constitutionalism following the same path) argues for the inevitable decline of the hegemon as the diminishing returns and other factors bring into the arena of world politics challenging powers (Gilpin, 1981, p.9). With strong signs that the new US president will not drastically change the US policy toward international institutions and policy-formation (ISN Security Watch, <http://www.isn.ethz.ch/news/sw/details.cfm?id=18790>), the persistence of the hegemonic instrumentality, even in its weak mode, could mean the beginning of the decline of the American global predominance and an era of global instability.

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