The Incoherence of Empire. Or, the Pitfalls of Ignoring Sovereignty in the History of the British Empire

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Abstract

This article argues for an essentially political definition of empire with sovereignty at its core, which recognises that British assertions of sovereignty were multiple, mutually contradictory and thus, taken together, incoherent. Tracing the history of conflict between different archetypes of sovereign authority we argue that imperial crises occurred when empire's different ideas were forced to speak to one another, during world war, for example. The emphasis here on sovereignty and incoherence contrasts with conceptions of the history of the British Empire which assert to the contrary that empire was a coherent entity. Such coherence can, we argue, only be maintained by treating empire as a metaphor for broader conceptions of power and thus collapsing the history of empire into other totalising meta-concepts such as global capitalism or western cultural dominance. Recognition of the incoherence of imperial sovereignty offers new, more nuanced, readings of central concerns in the literature such as imperial violence and the economics of empire.

Keywords: British, empire, sovereignty, law, constitutions, imperialism, colonialism, incoherence, decolonisation

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'As the British empire was an historic growth, corresponding to *no* principle, the application of any principle whatever to it would at once torpedo it.'[1]

'The name now loosely given to the whole aggregate of territory, the inhabitants of which, under various forms of government ultimately look to the British crown as the supreme head.'[2]

Empire is an essentially political concept, with sovereignty at its core. For the English and then British, empire was nothing more or less than the assertion of sovereign authority over territories throughout the world. To study empire is, unavoidably, to study this global assertion of sovereignty. Through the four-hundred year history of empire, sovereignty was exercised in multiple, often contradictory forms. Idioms of sovereignty varied; there was no single British way of claiming territory. The 'British empire' was a jumble of different lands and societies, all ruled through different forms of government with differing claims to political power, ultimately unified by their common existence under the sovereignty of the Crown, as the 1911 edition of the *Encylopedia Britannica* recognised. Claims to sovereignty were articulated through an extraordinary range of idioms and practices, from violent conquest through treaties and concessions to the right of settler communities to govern themselves. The plurality of imperial sovereignty meant 'the empire' could never be a single power or space. It was not even a single 'project'.[3]

Incoherence was the essence of empire. Plural sovereignty is not just a helpful perspective for understanding empire. It was what Britain's empire actually was. Multiple and contradictory forms of sovereignty defined the very essence of Britain's empire, as the different idioms evolved in contrast and opposition to one another. While at times asserting primacy, none could ever subordinate others. Amidst this multiplicity of contradictory idioms, in practice, Britain's empire relied on the demarcation of different rules and different political philosophies for different spaces. Permanent separation was impossible. Tension between

[1] Israel Zangwill, *Principle of Nationalities*, 1917, 34

[2] *Encylopaedia Britannica* 1911 edition, 'British Empire'.

[3] J. Darwin, *The Empire Project: The Rise and Fall of the British World-System, 1830-1970* (Cambridge, 2009).

different forms of political authority occurred within the same territories, often from the start. Those tensions usually dissipated as one or another idiom dominated in any one place at one point in time. But large-scale crises, particularly the global wars which occurred in the eighteenth and twentieth centuries, forced competing idioms of imperial authority dominant in different regions into conflict.

Incoherence and plural sovereignty defined the empire as a political field and historical entity. Rather than debating rival theories about the driving force behind imperial expansion, endurance, demise and decline, we argue that the history of the British empire should focus on tracing the ever contested outworkings of the empire's inherent incoherence. This argument contrasts with most dominant approaches to writing the history of the British empire at a general level, since at least the late nineteenth century. As we show below, successive waves of literature have been premised on the assumption that empire was a coherent phenomenon. Until the middle of the twentieth century histories of empire told an essentially political story about the assertion of sovereignty over territory throughout the world. While empire's practical multiplicity was of course not ignored, coherence was imparted through various assertions justifying empire through the supposedly benign motives and character of the British themselves, or the 'progress' purportedly fostered by imperial rule. Those ideological stories largely collapsed under pressure from the failure of empire itself, and the dispersal of imperial sovereignty into a myriad of post-imperial forms. Subsequently, and rather than recognising the underlying incoherence exposed at the empire's end, scholars have tended to seek to preserve the unified field of imperial history by turning the concept of empire into a metaphor, and making it into synonym for something else: modernity, globalisation, capitalism or white European racial or cultural dominance. The result is that, since the 1950s, where scholars have attempted a unified account of empire, this has tended to be achieved by pushing the assertion of direct political authority, necessarily plural and incoherent, into the background.[4] Thus, this article begins by tracing the impulse to coherence and the eventual neglect of sovereignty through successive strands

[4] Since the 1960s existential crises have punctuated drives to coherence in imperial history. See for instance G. Martin, 'Was There a British Empire?', *Historical Journal* 15, no. 3 (1972); D.K. Fieldhouse, 'Can Humpty-Dumpty Be out Back Together Again? Imperial History in the 1980s", *Journal of Imperial and Commonwealth History* 12 (1984); A. Thompson, 'Is Humpty Dumpty Together Again? Imperial History and the Oxford History of the British Empire', *Twentieth Century British History* 12, no. 4 (2001).

of the history of Britain's empire, while acknowledging accounts that, we suggest, offer a more fruitful approach. A second section elaborates on sovereignty as a concept and offers a typology of the different and contradictory idioms of imperial sovereignty invoked during empire's four hundred year history. The final section indicates how the approach outlined here might transform the history of empire.

II.

Empire, and the effort to tell a coherent and unified story about it, played a central part in the professionalisation of the interrelated fields of history, law and politics in late nineteenth century Britain's universities.[5] Writers of textbooks and lectures as well as political tracts strained against the geographical, ethnic and constitutional diversity of Britain's possessions trying to explain how empire was governed by some kind unified force. Their accounts in response were essentially political, defining empire as the territory over which the Crown held sway, often celebrating the 'special capacity for political organization' supposedly possessed by British peoples, as the Canadian educationist and supporter of imperial federation George Parkin put it.[6] Even so, the different tactics scholars used to assert coherence led to a series of contradictory arguments about the character of imperial authority.

From at least the late-eighteenth century crises of empire, the Crown-in-Parliament lay at the centre of accounts of the way empire was coordinated. Well into the nineteenth century, parliament was seen as a body which drew together a multiplicity of communities and interests, in the British Isles and beyond. These perceptions were challenged by the rise of democracy in Britain where the will of the domestic population was increasingly seen as the ultimate arbiter of political power, by the growth of self-governing assemblies in the colonies of white settlement, and by the growing rapidity of communication.[7] In the 1880s, the question of Irish Home Rule further charged the question. In this context, Cambridge legal scholar Albert Venn Dicey reasserted the importance of single legislative body over all British territories. Dicey's doctrine of parliamentary sovereignty was a response to fears

[5] F.W. Maitland dated the 'serious endeavour to make historical study one of the main studies of the universities ' to the 1870s; Maitland, 'The Teaching of History', in *Collected Papers*, ed. H.A.L. Fisher (1901), III, 405-6

[6] Parkin, *Imperial Federation*, 2

[7] See also D.S.A. Bell, 'Dissolving Distance: Technology, Space, and Empire in British Political Thought, 1770-1900', *Journal of Modern History* 77 (2005).

about fragmentation. It recognised the unequal power relations which existed between different territories, and then suggested that only a single, central legislative body could bind the disparate communities of empire together. That left, of course, even many white, supposedly 'civilised' imperial subjects (at least partially) disenfranchised.[8]

Dicey was arguing against an alternative vision, which saw the empire primarily as a network of self-governing 'British' communities that voluntarily coordinated their activities on a global scale. This underpinned the writings of a significant group writing in the early phases of professional history writing, including the Regius Professors of History at Cambridge between 1869 and 1895, J.R. Seeley, at Oxford between 1892 and 1894 J.A. Froude, and the first Beit Professor at Oxford between 1905 and 1920, Hugh Egerton. In place of an empire bound together by the force of parliament, Seeley thought imperial sovereignty emanated from the expansion of a vigorous, naturally energetic English culture and civilisation, through the diffusion of supposedly English racial bodies throughout the world. Seeley saw expansion as an essentially political process, noting that in contrast to the movement of Germans to America for example, England's migration 'carries across the seas not merely the English race, but the authority of the English government'. The resulting Greater Britain was an 'organism' whose 'organs … are institutions, magistrates, ministers, assemblies'.[9] Rather than asserting coherence by privileging Westminster as Dicey had done, Seeley attempted to tell a unitary story about empire by marginalising parts he didn't think were racially British. 'The colonies and India are in opposite extremes', he suggested. 'Whatever political maxims are most applicable to one, are most inapplicable to the other'. Seeley's solution to the intellectual conundrum was to diminish India's place within empire, arguing that its connection to Britain was a short-term phenomena driven by Asian dynamics.[10] The West Indies, Cape Colony and Natal were seen as essentially settler dominated, their non-white majorities ignored. The remainder of Britain's then still relatively small dependent empire was simply not mentioned.

[8] On democracy see A.V. Dicey, 'Some Aspects of Demcracy in England', *North American Review*, 137, 323 (1883), 317-26; Dicey, A. V., *Lectures Introductory to the Study of the Law of the Constitution* (London, 1885), 91-105. For a later, more ponderous, reassertion of the principle of parliamentary sovereignty, see Dicey, A. V., *Introduction to the Study of the Law of the Constitution* (London, 1915), xxv-xxxvii.
[9] J.R. Seeley, 'Georgian and Victorian Expansion', *Fortnightly Review* 48 (1887), 48, 126.
[10] Seeley, *Expansion of England* (London, [1883]1890 print), 176

Even so the maintenance of coherence amongst these scattered colonies of settlement became a source of anxiety. It was this which drove successive generations of imperial federalists – drawing directly on Seeley – to draw up rationalising schemes to implement a unifying structure which would rationalise, equalise, and combine the sovereign claims of Westminster and the quasi-sovereign claims made by what, in 1907, became known as dominions. Such schemes, implicit in Seeley's writings, found expression in the Imperial Federation League, or its successors such as Lionel Curtis's Round Table movement.[11] They consistently ran afoul of the aspirations to autonomy of the dominions, and unwellness of the Westminster parliament to surrender power.

In his 1903 history of 'Greater Britain' Egerton asserted that 'steam and electricity were already countering 'separatist tendencies, promoting unity of interest'. Contrary to imperial federalists, Egerton argued that unity in practice could only occur through a set of messy concessions and compromises; practical moves towards a unified political structure would seem too domineering and push territories apart.[12] So a third answer to the empire's incoherence was simply to recognise the forces propelling autonomy for its constituent parts. Edward Freeman, J.A, Froude's predecessor as Regius Professor of History at Oxford argued that the unity of race and political culture could only preserved if a unitary point of sovereignty was abandoned, and British communities became separate sovereign states.[13] In fact this is exactly what happened. Self-governing territories were reconfigured into the inter-war British Commonwealth of Nations, an entity more successfully anticipated by autonomist critics of imperial federation such as Richard Jebb or H. Duncan Hall.[14]

Salvaging unity by treating diversity as a virtue could extend beyond the white settler empire. In his wartime lectures on empire, the former colonial civil servant and historian Charles P. Lucas criticised German efforts at enforcing political uniformity through 'force, over-

[11] G. Martin. 'The Idea of 'Imperial Federation'' in R. Hyam and G. Martin eds., *Reaappraisals in British Imperial History*, (Cambridge, 1975); J.E. Kendle, *The Round Table Movement and Imperial Union*, (Toronto, 1975); L. Curtis, *The Problem of the Commonwealth*, (London, 1916); D. Lavin, *From Empire to International Commonwealth: A Biography of Lionel Curtis*, (Oxford, 1995).

[12] Egerton, *The Origins and Growth of Greater Britain* (1903), 182, 190

[13] E.A. Freeman, *Greater Greece and Greater Britain* (1886).

[14] Curtis, *The Problem of the Commonwealth*; R. Jebb, *Studies in Colonial Nationalism*, (London, 1905); H.D. Hall, *The British Commonwealth of Nations*, (London, 1920).

powering, and …rigid system' arguing by contrast that 'toleration of diversity' and 'encouragement of diverse customs and characteristics' were distinctly English characteristics. With the importance of the middle east during World War I in mind, this allowed Lucas to shift the core of empire from the (supposedly) racially homogenous white-settler colonies to protectorates in which 'native' rulers governed under British 'supervision'.[15]

Throughout the interwar period, the continued centrality of sovereignty in conceptualising empire meant coherence was side-lined. The practical task of governing an incoherent and multiple imperial polity meant that the most prominent texts on the history and current politics of empire, even those intended to celebrate it, were catalogues of different forms of government in different places. The past and present of an incoherent empire could only be described through empirical discussion. Serious writing was dominated by experts on particular places, or constitutionally-focused scholars like Arthur Berriedale Keith, Ivor Jennings, Keith Hancock and Reginald Coupland. Thus Hancock's *Survey of Commonwealth Affairs* presented an entity originating from multiple expanding trading, plantation, and settlement frontiers, bifurcated between self-governing dominions, India, and the rest; its problems of 'nationality' and 'economics' could only be analysed historically without obvious unity.[16] Jennings' 1938 essay on 'the Constitution of the British Commonwealth' described 'the growth of diverse forms of political practice in different places, the failure of late nineteenth and early twentieth century initiatives for greater coordination, and the emptiness of all that was left of the sole uniform practice within empire, common allegiance to the Crown'.[17] In his 1935 *Governments of the British Empire*, Keith argued that their different political histories meant that both the functions of the Crown in each territory, and the political principles used to justify its authority were different.[18] The plural view of empire

[15] Charles P.Lucas, *The British Empire. Six Lectures* (1916`), 195-8
[16] W.K. Hancock, *Survey of British Commonwealth Affairs: Volume One: Problems of Nationality, 1918-1936* 2 vols., (London, 1937); W.K. Hancock, *Survey of British Commonwealth Affairs: Volume Two: Problems of Economic Policy, 1918-1939*, 2 vols., (London, 1942).
[17] H. Kumarasingham, ed., *Constitution Maker : Selected Writings of Sir Ivor Jennings* (Cambridge, 2-15); I. Jennings, 'The Constitution of the British Commonwealth ', *Political Quarterly* 9, no. 4 (1938); W.D. McIntyre, *The Britannic Vision: Historians and the Making of the British Commonwealth of Nations, 1907-48*, (Basingstoke, 2009).
[18] A.B. Keith, *The Governments of the British Empire*, (London, 1935).

in interwar historiography reached its most expansive expression in the multi-volume *Cambridge History of the British Empire* which privileged empirical elaboration, and was divided between territory-specific volumes which prevented an overarching account.[19]

The momentum of interwar scholarship carried into post-Second World War decades. In 1959, the young American historian of empire Philip D. Curtin surveyed 'The British Empire and Commonwealth in Recent Historiography' for the *American Historical Review*. Curtin observed the simultaneous importance of imperial history's worldwide sweep, and of the collapse of empire as a unitary field. The history of the empire as a whole had been replaced by two new, 'quite different frames of reference', Curtin suggested. On the one hand, broader studies of 'the impact of the west' globally, and on the other, national or regional histories of different parts of the globe that had once been ruled by Britain. For periods later than the late eighteenth-century studied in Vincent Harlow's then recent work, Curtin thought there simply were 'no works of broad synthesis'. [20]

Curtin missed the themes and arguments originating in radical and Marxist writings which drove the rebirth of imperial history. From J.A. Hobson in 1901 on, a succession of radical and Marxist writers and scholars characterised the history of Britain's possessions overseas as a process, not a set of institutions, labled 'imperialism' not empire.[21] For Hobson imperialism was not a synonym for empire but a broader aggressive and expansive disposition by the world's great capitalist powers. Still trying to find a coherent principle able to explain why Britain possessed the territory it did, Hobson still saw imperialism as a process of political assertion in which officials and capitalists cooperated to create a 'despotic' form of authority which undermined the democracy of Britain and supposedly self-governing colonies.[22] But the pre-1917 generation of Marxists that included Rudolph Hilferding, Nikolai Bukharin,

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[19] J.H. Rose et al., *Cambridge History of the British Empire*, 8 vols., (Cambridge, 1929-1959).

[20] Philip D. Curtin, 'The British Empire and Commonwealth in Recent Historiography', *American Historical Review* 66,1 (October 1959), 74, 76.

[21] Keith Hancock's much quoted remark that imperialism was 'no word for scholars' reflected the strength of the critique. See Hancock, *Survey: Problems of Economic Policy*), 1-3. In that edition W. H. B. Court contributed an appendix on the 'Communist Doctrines of Empire', ibid, 293-305.

[22] J.A. Hobson, *Imperialism: A Study* (London, 1902); P.J. Cain, *Hobson and Imperialism: Radicalism, New Liberalism, and Finance 1887-1938*, (Oxford, 2002).

Rosa Luxemburg and of course V.I. Lenin moved beyond Hobson's political focus to define imperialism as a phase in the development of a social and economic system, capitalism, characterised by the hegemony of finance capital and which culminated in the First World War.[23] Debates in the Comintern during the interwar period explicitly broke the connection between imperialism and political power. The possibility of the western powers dismembering their empires and granting independence to colonies was entertained, and defined as a strategy to retain capitalist hegemony; the word 'decolonisation' was first coined in this context and seen as a tactic of imperialism.[24] The jumbling of claims about empire, imperialism, and global capitalism continued in debates about development and underdevelopment in the Latin American *dependencia* tradition, in debates about neocolonialism, world systems theory and modernisation.[25]

In his 1959 essay, Curtin also missed the text many later saw later as the beginning of the rebirth of the history of empire for non-Marxist scholars in the UK, John Gallagher and Ronald Robinson's 1953 essay 'The Imperialism of Free Trade'. Intriguingly, Gallagher and Robinson explicitly starting with the same premise as Seeley, suggesting that 'history of nineteenth century Britain was the history of an expanding society'. But they castigated the post-Seeley historiography which 'regarded the empire of kinship and constitutional dependence as an organism with its own [coherent] laws of growth'. Instead of developing the emphasis on the diversities and contradictions which the scholarship of the 1930s and 1940s detected within the political constitution of empire, Robinson and Gallager drew on the post-Hobson discussion of imperialism to replace the British interwar focus on sovereignty with vaguer notions of power. Imperialism not empire was the key category; and imperialism

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[23] V.I. Lenin, *Imperialism: The Highest Stage of Capitalism*, (Beijing, 1917; reprint, 1975). A. Brewer, *Marxist Theories of Imperialism: A Critical Survey*, (London, 1990). [GET PPS]

[24] R.B. Remnek, *M.N. Roy and the Comintern, 1920-1924* (1977); for the career of the concept of imperialism, see D.K. Fieldhouse, "Imperialism': An Historiographical Revision', *Economic History Review* 14, no. 2 (1961).

[25] F.H. Cardoso, E. Faletto, and M. Urquidi, *Dependency and Development in Latin America*, (Berkeley ; London, 1979); A.G. Frank, *Capitalism and Underdevelopment in Latin America. Historical Studies of Chile and Brazil*, (New York & London, 1969). W. Rodney, *How Europe Underdeveloped Africa*, (Washington, 1981). I.M. Wallerstein, *The Modern World-System*, 3 vols., (London, 1974-1989); S. Amin and B. Pearce, *Accumulation on a World Scale: A Critique of the Theory of Underdevelopment*, (New York ; London, 1974). For discussion, see Brewer, *Marxist Theories; Fieldhouse, D. K., The West and the Third World: Trade, Colonialism, Dependence, and Development (Oxford, 1999)*.

was defined as the 'sufficient political function of … integrating new regions into the expanding economy'. Although not originators of the term, their use of 'informal empire' as a category of domination essentially equivalent to formal empire was central to their reconceptulisation of the field: '[a] concept of informal empire which fails to bring out the underlying unity between it and formal empire is sterile'.[26] Their account of Britain's role in the partition of Africa, while seeking to explain the assertion of formal empire (or territorial soverienty) presented this as an attempt to preserve a mid-Victorian informal empire.[27]

Informal empire never won universal acceptance.[28] Nonetheless, the concept remained central to subsequent synthetic accounts within the Robinson and Gallagher tradition: Peter Cain and Tony Hopkins' *British Imperialism,* 1688-2016, and John Darwin's trilogy on British and global empires. Although revising chronology and emphasising the metropolican economy and the City of London, Cain and Hopkins place great emphasis on the concept of informal empire.[29] Taking Gallagher and Robinson to a logical conclusion, sovereignty's relevance to Cain and Hopkins' history of empire was purely negative: '[t]he distinguishing feature of imperialism is not that it takes a specific economic, cultural or political form but that it involves an incursion, or an attempted incursion, into the sovereignty of another state'.[30] Darwin reworked the tradition differently. In early work he questioned the assumption that informal empire and formal empire as interchangeable, but on the grounds that in many regions (China and Latin America) informal empire was all that the British state

[26] J. Gallagher and R. Robinson, 'The Imperialism of Free Trade', *Economic History Review* 6, no. 1 (1953): 1-2, 5, 6-7.
[27] R. Robinson, J. Gallagher, and A. Denny, *Africa and the Victorians: The Official Mind of Imperialism*, (London, 1961). On the concept of informal empire, see B. Attard, 'Informal Empire: The Origin and Significance of a Key Term', *Modern Intellectual History* (2022).
[28] For an overview of the debate on Robinson and Gallagher, see W.R. Louis, ed., *Imperialism: The Robinson and Gallagher Controversy* (New York, 1976). For contrasting views on informal empire, see D.C.M. Platt, 'Further Objections to an "Imperialism of Free Trade", 1830-60', *Economic History Review* 26, no. 1 (1973); W.M. Mathew, 'The Imperialism of Free Trade: Peru, 1820-70', *Economic History Review* 21, no. 3 (1968); D. McLean, 'Finance and "Informal Empire" before the First World War', *Economic History Review* 29, no. 2 (1976); P. Winn, 'British Informal Empire in Uruguay in the Nineteenth Century', *Past and Present*, no. 73 (1976).
[29] P.J. Cain and A.G. Hopkins, *British Imperialism, 1688-2000*, (Harlow, 2001). See also R.E. Dumett, *Gentlemanly Capitalism and British Imperialism: The New Debate on Empire*, (London, 1999).
[30] P. J. Cain and A. G. Hopkins, *British Imperialism, 1688-2000* (Harlow, 2001), p. 54.

could achieve. Equally, Darwin's early work with constitutional historian Frederick Madden, heightened attention to political institutions in *Unfinished Empire*.[31] Still, his essential concern has remained with imperialism not empire. As he put it in 1997 '[i]mperialism may be defined as the sustained effort to assimilate a country or region to the political, economic or cultural system of another power' and reasserted '[t]he futility of trying to make sense of Victorian expansion in terms of territorial or formal empire alone'.[32] Darwin's *Empire Project* charts the rise and fall of multi-pillared British efforts to construct a 'world system' which extended far beyond Britain's formal territorial possessions.[33] *After Tammerlane* charted construction, contestation and collapse of (mostly) European global power for which empire was generally a synonym.[34]

If economic expansion offered one substrate which historians identify as driving the epiphenomena of Britain's sovereign assertions overseas, culture was another. Given the attention to non-political power disparities in place from the 1960s onwards, it is if anything surprising that the cultural turn took time to gain traction. Edward Said and historians writing in the wake of his 1978 *Orientalism* associated empire with a broad process of cultural domination propagated by non-state actors, in Said's case particularly universities and research institutions, loosely attached to the actions of an imperial regime.[35] The 'new imperial history' emphasized the place of cultural categories particularly race and gender, in metropolitan life, focusing on non-governmental institutions: private networks, public scholarly associations, universities, research centres, churches, clubs and missionary

[31] A.F. Madden and J. Darwin, eds., *Select Documents on the Constitutional History of the British Empire and Commonwealth: The Dominions and India since 1900*, 7 vols., vol. 6 (London, 1993).J. Darwin, *Unfinished Empire: The Global Expansion of Britain* (London, 2012).

[32] J. Darwin, 'Imperialism and the Victorians: The Dynamics of Territorial Expansion', *English Historical Review* 112, no. 447 (1997): 614; In his earlier work on decolonisation which, for Darwin, was never just a matter of constitutional change. See J. Darwin, *Britain and Decolonisation: The Retreat from Empire in the Post-War World*, (Basingstoke, 1988), 5-17.

[33] J. Darwin, *The Empire Project: The Rise and Fall of the British World-System, 1830-1970*, (Cambridge, 2009).

[34] J. Darwin,, *After Tamerlane: The Global History of Empire since 1405* (London, 2007, p. 4-45.

[35] E. W. Said, *Orientalism* (London, 1978); E. W. Said, *Culture and Imperialism* (London, 1993).

societies.[36] More recently, studies have increasingly turned to the construction of whiteness as the necessary corollary of such racial otherness.[37] These different strands of argument tend overall to coral empire (and imperialism and colonialism – both generally used synonymously) into a unified, coherent field that focused on ideas of racial otherness, with little or only token reference to the diverse and specific political forms with which imperial authority was asserted. As Catherine Hall put it 'the variety of forms of rule *was* [original emphasis] underpinned by *a* [our emphasis] logic of rule – colonial governmentality, what Partha Chatterjee calls "the rule of colonial difference". This was the rule that distinguished the colonizers from the colonised, that was predicated on the power of the metropole over its subject peoples'.[38]

The main varieties of British imperial history written since the mid twentieth century collapse of empire deploy empire as an under-conceptualised metaphor within arguments about diffuse and often loosely defined forms of global (economic and/or cultural) power. The problem is that there is no stable basis for defining what kind of phenomenon counts as empire. As Gallagher and Robinson declared to the delight of every undergraduate nihilist '[t]he imperial historian is very much at the mercy of his [sic] particular concept of empire [which] decides what facts are of 'imperial' significance'.[39] Of course they offered little justification for their particular concept, other than their own unassailable intellectual confidence. By disengaging with the idea of sovereignty, and replacing it with vague notions of power, the conceptual architecture of histories of empire has become disconnected from its subject.

In contrast to the way the field has been broadly conceptualised, the presence of sovereignty in the archive means it is never absent from the detailed historiography of Britain's empire.

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[36] K. Wilson, *A New Imperial History: Culture, Identity, and Modernity in Britain and the Empire, 1660-1840*, (Cambridge, 2004); C. Hall, *Civilising Subjects: Metropole and Colony in the English Imagination, 1830-1867*, (Oxford, 2002); C. Hall and S.O. Rose, *At Home with the Empire: Metropolitan Culture and the Imperial World*, (Cambridge, 2006).

[37] B. Schwarz, *Memories of Empire: Vol 1: The White Man's World*, (Oxford, 2011); Onni Gust, *Unhomely Empire: Whiteness and Belonging* (2020).

[38] C. Hall. 'Introduction' in Hall, C. ed., *Cultures of Empire : A Reader: Colonisers in Britain and the Empire in Nineteenth and Twentieth Centuries*, (Manchester, UK ; New York, 2000) 19; quoting P. Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Princeton, , 1993), 10.

[39] Gallagher and Robinson, 'The Imperialism of Free Trade', 1.

Historians of the end of empire still study a subject unavoidably punctuated by the constitutional and legal dimensions of the transfer of sovereignty; few textbooks are complete without a world map showing the (conventional) dates territories became independent.[40] Historians of the law and constitutions particularly emphasise the multiple and contested character of the empire's structures. Harshan Kumarasingham has reasserted the importance of constitutional history, and shown how messy practices of sovereignty were crucial to the chorography of the end of empire in South Asia and in its political legacies in a series of 'Eastminsters'.[41] With an approach very similar to that adopted in this article, Mark Hickford offers a detailed account of the multiple constitutional idioms in play in practice in one particularly contested polity, New Zealand.[42] Tightening the diffuse literature on the 'British world', Stuart Ward's recent epic study charts the end of global Britishness conceived a 'civic identity', and in so doing frequently acknowledges the associated political languages (and by extension institutions).[43] Lauren Benton's work has highlighted the role of plural forms of law, showing that 'multisided legal contests were simultaneously central to the construction of colonial rule and key to the formation of larger patterns of global structuring'.[44] Alan Lester, Kate Boehme, and Peter Mitchell's project mapping imperial government 'everywhere all at once', has shown the the entangled nature of a plural empire whose occasional empire-wide projects worked themselves out in different places in different

[40] For succinct justification, see J.D. Hargreaves, *Decolonization in Africa*, (London, 1996), 2-3.

[41] H. Kumarasingham, 'The ˜Tropical Dominions': The Appeal of Dominion Status in the Decolonisation of India, Pakistan and Ceylon', *Transactions of the Royal Historical Society (Sixth Series)* 23 (2013) and 'Eastminster: Decolonisation and State-Making in British Asia' in Kumarasingham, ed. *Constitution-Making in Asia. Decolonisation and State-Building in the Aftermath of the British Empire* (London, 2016), 1-36

[42] M. Hickford, 'Designing Constitutions in Britain's Mid-Nineteenth Century Empire – Indigenous Territorial Government in New Zealand and Retrieving Constitutional Histories', *Journal of Imperial and Commonwealth History* 46 (2018), 676-706

[43] S. Ward, *Untied Kingdom: A Global History of the End of Britain* (Cambridge 2023). Space prevents consideration of wider literature on the 'British world', except to note that practitioners often attempt distinguish that 'world' from empire, without success. For overview and critique, see Rachel Bright, and Andrew Dilley, 'After the British World', *Historical Journal*, 60 (2017), pp. 547-568.

[44] Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900* (Cambridge, 2002), p. 3. See also L. A. Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge, 2009); Lauren Benton and Lisa Ford, *Rage for Order. The British Empire and the Origins of International Law* (2016).

ways.[45] Most expansively, Jane Burbank and Frederick Cooper ground their study of *Empire in World History* in the observation that 'empire presumes that different peoples within the polity will be governed differently' and that all empires were built on a 'politics of difference'.[46]

This recent literature reminds us that empires have, as Jens Bartelson puts it 'long constituted the default mode of political organization on a planetary scale'.[47] The danger in overly general accounts such as Burbank and Cooper's is that we lose sight of the thinking about different forms of empire in different historical moments. Britain's empire shared its incoherent structure with other contemporary empires; our argument is not a claim for any form of exceptionalism. There are points of comparison between the multiplicity of Britain's imperial idioms and the myriad of political forms and discourses within the French, Dutch, Spanish, Portuguese, Japanese or American empires (to name a few). Many empires since the seventeenth century have been distinguished from their predecessors by the possession of different territories effected through mutually incompatible political idioms and practices. This distinguished Britain's modern empire (alongside other contemporary European empires) from earlier composite monarchies. All empires are plural; not all are incoherent. In states such as the early modern Hapsburg empire or pre-1707 United Kingdom, monarchs were capable of accumulating territory without destabilising their relationship with earlier possessions. They could do so because possessions were held personally, without a strong sense of the aggregate polity beyond the person of the monarch.[48] The British empire's incoherence emerged with the proliferation of political idioms which could justify the exercise of political authority, potentially separate from the institution of the monarch. Idioms in other words to articulate sovereignty, to which we now turn.

IV

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[45] Alan Lester, Kate Boehme and Peter Mitchell, *Ruling the World. Freedom, Civilization and Liberalism in the Nineteenth-Century British Empire* (Cambridge, 2021)

[46] Jane Burbank and Frederick Cooper, *Empires in World History. Power and the Politics of Difference* (Princeton, NJ, 2010), p. 8, 10.

[47] Jens Barteson, 'The Empire to Sovereignty – and Back?', *Ethics and International Affairs* 28, 2 (2014), 252

[48] J.H. Elliott, 'A Europe of Composite Monarchies', *Past & Present* 137, no. 1 (1992). Eliot's approach is informed by H. G. Koenigsberger, 'Dominium Regale or Dominium Politicum et Regale", in his Politicians and Virtuosi: Essays in Early Modern History (London, 1975)

As codified from at least the writings of Jean Bodin in the late sixteenth century, the concept of sovereignty expressed a belief in the existence of a final, absolute, perpetual and undivided authority within political society. That belief has been expressed in different ways. To give two famous descriptions: the nineteenth-century British jurist John Austin suggested that the sovereign was 'a determinate human superior' that themselves had no superior but 'receive[d] habital obedience from the bulk of a given society'; the twentieth century German Carl Schmidt defined the sovereign as 'he who decides on the exception'.[49] The point from these descriptions is that a particular person, group of people or institutions possess final authority; the concept of sovereignty implies that there is a choice about who or what that authority is. As the mid twentieth-century historian of international relations F.H. Hinsley put it, the question of sovereignty addresses the 'problem of deciding the basis of government and obligation within a political community'.[50]

Many scholars argue that sovereignty is a modern concept, marking a break with a medieval world in which political authority was distributed between multiple, overlapping secular and religious authorities.[51] Its life is bound up with the history of modern, European, post-reformation empires. It presupposes a world of multiple, separate political entities, each governed by a sovereign body not accountable to any external earthly body. By the second half of the twentieth century, sovereignty had become became the key concept within a post-imperial world order in which ultimate political authority was distributed between nation-states. But as late as the late 1940s, sovereignty remained a crucial term to the exercise of imperial power. To begin with, leaders from the western empires thought imperial sovereignty was upheld by the United Nations Charter for example. In a debate on the future of the Dutch empire in South East Asia in February 1946, Britain's Foreign Secretary Ernest Bevin recognised the political aspirations of Indonesians but suggested that 'the sovereignty of the Netherlands [over the Dutch East Indies] was not questioned'.[52]

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[49] John Austin, *The Province of Jurisprudence Determined*; Carl Schmitt, *Political Theology. Four Chapters on the Concept of Sovereignty* (Chicago, IL, [1932] 2005), 1.
[50] F.H. Hinsley, *Sovereignty* (2nd edition, Cambridge, 1986), p. 26
[51] For example, Charles McIlwain, *The Growth of Political Thought in the West* (1932), 392; Robert Jackson, Sovereignty (200&), 1-24; Quentin Skinner offers a connected account of the origins of a modern concept of the state in *Foundations of Modern Political Thought. II. Reformation* (1978), particularly 350-5
[52] Security Council Official Records, 1st year, 13th meeting, 9 February 1946, https://digitallibrary.un.org/record/636634, last accessed 26 May 2023

The concept of sovereignty has long frustrated historians and political philosophers, leading many to reject it as an analytical category.[53] Frustration emerges from the concept's ambiguity in two ways, both of which illuminate British imperial politics. First, sovereignty is both a normative and empirical concept. It indicates who or what should possess authority within any particular society; the people, king, parliament or whatever. But it also needs to have some kind of actual basis in power and institutions. A seemingly legitimate claim to authority alone is not sovereign power; king in exile is not a sovereign until able to control the institutions of administration. A generation of early twentieth century political thinkers, led by French jurist Léon Duguit and English political theorist Harold Laski, argued that this ambiguity meant sovereignty should be replaced by a more realistic, empirical account of political authority.[54] Sovereignty's focus on a single unitary point of legitimate authority was a 'metaphysical' or 'mystic' abstraction, which contrasted with the dispersal of real power amongst multiple institutions within a society. But politics is partly constituted by peoples' arguments about norms; about who can legitimately do what to whom. Grounded in both political ideas and political practice, the concept of sovereignty addresses the crucial interplay between these normative arguments and political reality.

The dual character of sovereignty as both normative and real allowed multiple idioms of sovereignty proliferated within the empire. The validity of a particular idiom was never determined by purely empirical criteria, but blended fact, political aspiration, and the ideas of necessity draw from a particular political situation. For example, the idea that Britain's sovereignty in India came from conquest reflected a particular account of South Asian history, a desire to assert superiority and power, and a belief in the necessity of centralised violence as the only force able to maintain order in the subcontinent. The ambiguous mix of fact and norm meant that another very different concept of sovereignty, in this case that Britain governed with the consent of the governed for example, could be plausibly articulated at the same time.

[53] Benjamin Franklin in 1770 was not the last to feel 'quite sick of this *our Sovereignty*', quoted in David Armitage, *Foundations of Modern International Thought*, 216.
[54] Léon Duguit, 'Law and the Modern State', *Harvard Law Review* 31, 1 (1917), 6; Harold Laski, *Studies in the Problem of Sovereignty* (New Haven, CT, 1917), 4-5

There is, though, a second ambiguity. Sovereignty makes claims to both internal and external validation which can be very different from one another. European powers recognised their sovereignty over each others' empires, as if each piece of imperial territory was a similar kind of entity. But the claims to legitimacy made within each particular territory might be very different, entailing the location of authoritative political power in one or another domestic institutions. Bevin's comment in 1946 about the Netherlands' sovereignty over its Asian empire meant only that an external organisation such as the United Nations had no right to interfere in the Dutch government of its colonies; it eschewed any judgement about how Indonesia was ruled; what appeared from the outside as a coherent international order made up of equivalent sovereign seemed from within each state to be constituted by multiple, incoherent idioms of sovereignty. Hannah Arendt pushed this to the extreme by arguing that the American revolution exploited the division between internal and external by 'reconcil[ing] the advantages of monarchy in foreign affairs with those of republicanism in domestic policy'. The early US state, she argued, abolished internal sovereignty altogether in favour of the diffusion of power through multiple institutions; but asserted a sense of itself as a strong, unified sovereign power that stood alongside the world's imperial powers externally.[55] In Britain's and other empires, externally recognised imperial sovereignty often co-existed with the very limited assertion of power over territory sometimes involving little more than ambiguous agreements with local political hierarchies. At the fringes of imperial territory, frontiers were often purely notional agreements with other powers; the priority for empire's governors was to manage conflict with other states in the international arena, not assert territorial power on a granular scale.[56] The form of empire in practice at any one moment was shaped by the complex and highly variable way claims to sovereignty were made and practiced at different spatial scales. The possibility of different ways of discussing internal and external sovereignty multiplied the plural idioms available for empire's protagonists to discuss their authority.

As Michael Freeden points out, these claims to ultimate authority are usually made in time.[57] Arguments about who possesses final authority rely on stories about how that authority was

[55] Hannah Arendt, *On Revolution* ([1963] London, 1990), 153
[56] For the ambiguities of imperial frontiers in north-east India, see Bérénice Guyot-Rechard, *Shadow States. India, China and the Himalayas, 1910-1962* (Cambridge, 2016), 31-58
[57] Michael Freeden, *The Political Theory of Political Thinking. The Anatomy of a Practice* (London, 2013), 119-122

first created. The disparate territories of the British empire shared their common submission before the Crown, but they articulated very different stories about *how* the authority of the Crown was created. Empire, in other words, was constituted not only by multiple claims to authority, but by equally multiple and contradictory histories of legitimate power; that's why the default form of imperial history has been the history of particular territories, not empire as a whole. Those histories provided a resource for protagonists from across empire to justify their actions and to challenge others'. But when brought too close to one another in the practical task of governance, they created tension and crisis.

The territories which composed the British empire went under a bewildering variety of names: dominions, colonies, protectorates, condominiums, mandates, dependencies, treaty ports, subordinate empires, territories and the like.[58] The language used to describe the relationship between Britain and its imperial territories matters because it expressed the plural forms in which British sovereignty was expressed. That language of sovereignty emerged from but also shaped institutions and practices of governance.

In order to begin to reconstruct the politics of incoherent sovereignty, the remainder of this section offers a typology of the language used in the British empire's different claims to sovereignty, each of which was made through different accounts of about how authority was acquired. This is not to reproduce the reductionist meta-geographies or meta-chronologies often used to impart false coherence to the history of empire: settler/self-governing vs dependent/despotic; first, second, third, (even!) fourth British empires. Rather it is to describe the different competing forms claims of sovereignty could take. Within any location different idioms always co-existed with one another, shifted and clashed, even though one or another form often achieved temporary dominance.

The starting point for our typology needs to be the early modern English crown's claim to imperial authority over the independent, unitary realm of England itself. Most famously articulated in Henry VIII's Act in Restraint of Appeals (24 Henr. VIII c.12), the claim to empire had been made from the late fourteenth century onwards, when English alongside other European kings began to wear the closed imperial crown associated with the Holy

[58] M. I. Finley, 'Colonies: An Attempt at a Typology', *Transactions of the Royal Historical Society*, 26 (1976), pp. 167-188.

Roman Emperor. Used to assert equivalent status to other European monarchies, England's imperial statutes gave its monarch ultimate authority. In the process they defined a territorially-defined political community, 'a body compact of all sorts and degrees of people' which had a duty to obey the crown. Even here, empire as sovereignty over one territory easily bled into claims to rule other territories. As David Armitage notes, within the British Isles such claims were first made by the Scottish monarch over the then Norwegian ruled Western Isles. By the time Tudor England adopted them, they referred to the government of Wales and parts of Ireland, and claims to Scotland and sometimes territories beyond. The claim of unitary absolute monarchical authority relied on no single founding moment, but appealed to a history of continuous kingship, citing 'divers sundry old authentic histories and chronicles' to prove the continuity of English kingship well before the Norman conquest. Elements of this idiom endured for centuries.[59]

A second idiom, which became particularly popular during Britain's civil wars, challenged the unitary self-evidence of authority from the mere fact of monarchical continuity. This grounded sovereignty on the will of the people within a particular territory, making the crown's authority conditional on the monarch's conformity to popular wishes. Here the people existed as an organised, geographically-defined entity that gave the crown its authority, but constituted the first and final arbiter of political decision-making. Like the Henrician monarch, this republican, self-governing people claimed a continuous existence before memory or written record, with the Norman conquest sometimes seen as an illegitimate usurpation.[60]

The invocation of an imperial monarch or imperial people were initially claims to English, (or later British) sovereignty over the people in England (and later the United Kingdom). Both forms of sovereignty could though be transferred outside Europe, through conquest, settlement and often unequal acts of voluntary cession. These claims justified the attempt to assert domination, often through violence, of people and territories throughout the world. But they did so in different and mutually incompatible ways, which created very different

[59] David Armitage, *The Ideological Origins of the British* Empire (Cambridge, 2004), p.34; David Armitage, 'The Elizabethan Idea of Empire', in *Transactions of the Royal Historical* Society 14 (2004), pp.269-277.
[60] Lorenzo Sabbadini, 'Popular sovereignty and representation in the English Civil War' in Bourke and Skinner, pp.164-186.

relationships with local and migrant populations, and between overseas territories and the imperial metropolis.

Conquest, our third archetype, is often neglected as an explicit source of sovereign political authority; some scholars arguing indeed that it needed to be 'masked' by other principles of legitimacy.[61] But the explicitly violent subjugation of local states and peoples was an important principle used to publicly justify the establishment of sovereignty until at least the early twentieth century.[62] Sovereignty established through conquest relied on a story about an original conflict and a moment of defeat and submission in which authority was transferred to a new state. This was not necessarily a moment of complete upheaval. Repeating a centuries-long trope, Keith wrote in the 1930s that where the crown came by 'cessation or conquest' into possession of the territories of a 'civilised power and in enjoyment of a code of law … it did not hold that the law was changed by mere fact of conquest or cessation'. Crucially, the crown's assertion of sovereignty did create a new state; conquest didn't merely add an existing state to the monarch's possessions. But 'the common law remained that prevailing before the British acquisition'. Ambiguity imbued Keith's words, with the definition of a 'civilised power' and the identity of pre-existing law always open to debate, leading in practice to the multiplication of legal systems, as well as uncertainty about their boundaries in many parts of empire.[63]

The historical languages of sovereignty consequent on conquest were not simple. Conquest dominated imperial politicians' explanations of England's authority in eighteenth-century Ireland, although not unchallenged and with varying details and outworkings. Jonathan Swift wrote about 'the savage Irish, who our Ancestors conquered several hundred years ago', while from the 1730s Protestant soldiers who fought with King William proclaimed 'we … conquered [at] the Boyne'. But conquest troubled whigs and liberal Protestants who struggled to legitimise Britain's connection to Ireland without it, but feared past force justified present and future violence. In response some conjured a benign form of conquest, 'into freedom and

[61] Gauri Viswanathan, *Masks of Conquest: Literary Studies and British Rule in India* (London, 1990).
[62] For example, Mark Wilks, *Historical Sketches of the South of India* (1820), I, 438-442; William, H. Prescott, *History of the Conquest of Mexico* (London, 1843), II, 43.
[63] Keith, *Governments of the British Empire*, 12.; see Jon E Wilson, *The Domination of Strangers* (2008), for the British effort to govern with existing custom in Bengal.

happiness' as the Irish Attorney General put it in the 1820s. [64] Others, such as Thomas Macaulay, believed they were forced to accept its reality but also to condemn those who perpetuated the 'fatal heritage of malignant passions' into a post-conquest world.[65]

Conquest's complexity underlay discussions of India's relationship with Britain. The concept was first used to understand India's polity before the growth of British power, with the idea of Mughal conquest helping legitimate the notion of British conquest. It became, by the 1830s, the centrepiece of a Tory view of empire, articulated most clearly by members the Duke of Wellington' circle, such as Charles Metcalfe. 'We are here by conquest, not by the affection of our subjects', Metcalfe wrote in 1833.[66] Others, including again Macaulay, spoke again about the need for conquest to be tempered by conciliation and slow incorporation of Indians in British institutions. As with Ireland, Macaulay's role was to assimilate Tory arguments about hierarchy and violence into Whig narratives about constitutional progress.[67] By the middle of the nineteenth century, conquest was part of the staple vocabulary used to discuss British rule which most commentators thought needed to be acknowledged to make any line of reasoning convincing. Arguments against were, though, possible, Seeley's marginalisation of India's place in empire occurring through his denial of conquest.[68] Only from the 1920s did alternative themes replace conquest as the dominant idiom for Britons discussing the basis of British rule in India, as imperial administrators were forced to introduce principles to justify their framing of reforms which introduced Indians as partners in government. By 1929, a retired British officer could write to M.K Gandhi acknowledging some still believed Britain was 'in possession of India … by right of conquest', but thought

[64] Sharon Korman, *The Right of Conquest* (Oxford, 2003), p.46. Jacqueline Hill, 'The Language and Symbolism of Conquest in Ireland, c.1790-1850', *Transactions of the Royal Historical Society* 18 (2008), pp.165-86;
[65] Thomas Macaulay, *History of England from the Accession of James II* II, xxx.
[66] 'Minute by Sir C.T. Metcalfe', 18 October 1830, *Further Papers Respecting the East India Company's Charter*, *Parliamentary Papers*, HC (1833) XXV, p.18
[67] Kieran Hazzard, 'From Conquest to Consent: British Political Thought and India, 1818-1833' (unpublished PhD, King's College London, 2016)
[68] Seeley, *Expansion of England*; 'Dissent by John Shepherd', 6 January 1849, *Correspondence Respecting the Disposal of Sattara State, Parliamentary Papers,* HC 1849 (XXXIX), p.137; James FitzJames Stephen, *Liberty, Equality, Fraternity* (London, 1873).

saw themselves 'as trustees of the whole population'.[69] Even then, the shift produced waves of published, eloquent anger amongst serving and former British officers committed to idea that conquest was the basis of Britain's supposedly unilateral power in India [70]

If conquest was the extra-territorial equivalent of monarchical absolutism, our fourth archetype, settlement, once called colonization, was the extra-territorial equivalent of popular sovereignty. The early twentieth century Cambridge University Press *History of the Australasian Colonies* described British sovereignty as not acquired 'by accident of dynastic title' but through the emigration of 'communities of kindred blood'. This form of sovereignty involved 'a movement of population and an extension of political power', as another early twentieth century textbook put it.[71] Settlers constituted themselves as distant citizens of the imperial homeland, then defined their citizenship through their racial difference from 'local' populations and their common labour in the creation of a settler society. Settlement justified the extension of apparently British institutions such as representative assemblies. It was also used by settlers to oppose the encroachment of more authoritarian imperial institutions on what they saw as their rights. [72]

While conquest relied on the existence of a prior political structure which could be forced to submit, settlement depended on the settlers' denial of the existence of legally-constituted political authority beforehand. That denial relied either on the fiction of *terra nullius*, empty land, the claim that land 'not possessed of any Christian Prince' had no legitimate regime, or that the supposed savagery and violence of indigenous regimes made coexistence impossible. In practice, settlement relied on the annihilation or displacement of existing polities and peoples. That meant that the sequence by which contemporaries described the emergence of sovereignty through settlement in their histories of empire was often complex. Sovereignty in New South Wales began with military power, but was transferred to a migrant population as free, non-convict settlers moved in greater numbers and the aboriginal population was either

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[69] M.K. Gandhi, 'In Possession', *Collected Works of Mahatma Gandhi,* (New Delhi, 2005), XLV, 181

[70] For the Tory rearguard action, see A.L. Carthill, *The Lost Dominion* (London, 1924)

[71] Edward Jenks, *A History of the Australasian Colonies* (Cambridge,1912); Albert Kenner, *Colonization* (1908), p.1

[72] L. Veracini, ''Settler Colonialism': Career of a Concept', *The Journal of Imperial and Commonwealth History*, 41 (2013), pp. 313-333.

annihilated or marginalised. In British North America, an initial phase of conquest was narrated first through a sequence of conflicts between European powers in which native Americans were involved, then as conflict when native American states refused to live peacefully with their European neighbours.[73]

European settlement in New Zealand occurred alongside the extension of British power over Maori by treaty, to begin with, but eventually involved violence. Here though, the importance of settlement as the source of authority made it impossible for Britons to avow conquest as the mode by which the Crown's authority was extended. Even in the most violent encounters with Maori warriors during the New Zealand Wars, British actions were defined as the opposite of conquest. In October 1863, British imperial officers tried to impose sovereignty over Maori in the Waikato area, who had retained their independence. But the imperial invasion of the region was not described as an act of conquest. Speaking to the representatives of settlers in October 1863 Governor Sir George Grey argued that fighting had been provoked by particularly belligerent groups of Maori seizing land which had long been 'peacefully occupied by our settlers', embarking on 'schemes of conquest and plunder' instead. While in India conquest could be explicitly celebrated, and was a common framework for talking about British rule, in New Zealand the importance of the idiom of settlement required conquest by the British to be denied, and a conquering mindset attributed to Maori. Clearly both positions could not be avowed consciously at the same time.[74]

A fifth category, plantations, involved the assertion of sovereignty in order to protect the 'settlement of capital', as Hugh Egerton put it.[75] Here, institutions were created in order to profit from the production of commodities, cultivated through the labour of enslaved or indentured non-citizens. As with settlement, the territory over which sovereignty was asserted was seen as empty land, able to be transformed through the agency of imperial authority. But

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[73] Jan Kociumbas, *The Oxford History of* Australia vol.II, *Possessions* (Sydney, 1992); Mark Francis, *Governors and Settlers. Images of Authority in the British Colonies, 1820-1860* (Cambridge, 1992); for the Canadian narrative see Jeffers Frith, *History of Canada*; Charles Lucas, *A History of Canada, 1763-1812* (1909), pp.1-32;

[74] James Belich, *New Zealand Wars*; Sir George Grey to Legislative Council and House of Representatives, Enclosure in no.42, 'Further Papers Relative to the Affairs of New Zealand', *House of Lords Papers* XII (i), 1864,

[75] Egerton, *Greater Britain*, 5

that transformation did not occur through the 'settlement of men'. Instead institutions were created which allowed money to be invested controlling unfree labour, and then ensuring that labour force worked the land for its owners to profit. A tiny European population sometimes imagined themselves to be the members of a self-governing demos. But the most important relationship was the assertion of power over land and forced labour. Sovereignty was asserted through the legal definition of the subordinated population in slave codes and penal laws. While this form was dominant in the Caribbean, variants on such differential claims to sovereignty made by European settlers on non-Europeans could be found in various forms across the empire, for instance in the settler societies of British Africa and arguably eighteenth-century Ireland.[76] The imperial state's focus on extracting profit from natural and human resources at the expense of migrant or indigenous people and local economic development was paralleled in the approach of Newfoundland, where settlement was discouraged in order to retain a British monopoly on extracting fish.[77]

The three categories of conquest, settlement, and plantation could all overlap with but also run counter to a sixth archetype which, in various incarnations, often underlay the story about empire which the British often told themselves: that imperial sovereignty was justified in the supposed advances and benefits delivered to those governed.[78] We have already encountered it in Whig attempts to soften high Tory claims to sovereignty by conquest whether in Ireland or India. Under the guise of the 'civilising mission' or concepts of 'trusteeship', this strand of underlying paternalism persisted in British discourses on Empire. Trusteeship underpinned Edmund Burke's arguments on India in the 1780s, along with anti-slavery and nineteenth century humanitarianism. It was a central element of Lord Lugard's 'Dual Mandate' and underpinned clashes between Southern Rhodesian and Kenyan settlers and the colonial office. As we saw a moment ago, in the minds of many it replaced 'the right of conquest' as

[76] For slave codes in Jamaica, see Mary Turner, *Slaves and Missionaries. The Disintegration of Jamaica Slave Society, 1787-1834* (London, 1982); for Ireland as a plantation society ruled through a penal code, Ian McBride, *Eighteenth Century Ireland. The Isle of Slaves* (Dublin, 2009), chapter 5. For southern African examples, see Charles Van Onselen, , *Chibaro: African Mine Labour in Southern Rhodesia 1900-1933* (London, 1975); Rachel Bright., *Chinese Labour in South Africa, 1902-10 : Race, Violence, and Global Spectacle* (Basingstoke, 2013).

[77] For this comparison, see C.P. Lucas, Review of 'A History of Newfoundland', *English Historical Review*, 11, 43 (1896), 602

[78] For professional historians justifying empire, see P. Satia, *Time's Monster: History, Conscience and Britain's Empire*, (Cambridge, 2020).

the justification for British rule in India in the interwar period. The racialized justifications for colonial rule combined claims about its supposedly beneficent effects and its necessity given the supposed incapacity of subjects to govern themselves. In modified form such arguments justified the withholding of full autonomy from either imperial governors or impatient settlers. This form also transferred directly into the League of Nations mandate system.[79]

Seven, sovereignty was acquired through the formally voluntary cession of authority through treaties with existing regimes. Often this supposedly consensual act of cession occurred after a moment of violence. Frequently the terms of exchange were unequal. But the claim that rights had been ceded rather than seized, and were based on treaty not conquest, shaped the history of later institutions, enabling subordinated populations to articulate their own claims with a language of historical legitimacy. This is the mode which structured sovereignty initially in New Zealand, before settlement emerged as the dominant idiom. According to the British interpretation of the text, in the 1840 Treaty of Waitangi Maori exchanged supreme sovereignty for protection of their right to property. The treaty framed the conversation between the British state and Maori in New Zealand throughout the nineteenth century, with Maori asking and being reassured about it being still in force during the New Zealand wars, for example. Treaties structured the continual dialogue which occurred between India's 'native states' and the British regime, as rulers continually challenged what they saw as imperial administrators' breach of promises, a challenge they usually lost but sometimes won.[80] The capitulations, unequal treaties, and other partial concessions of sovereignty which characterised Britain's imperial presence in the Ottoman Empire and China (key spheres of so-called 'informal empire') might be understood as a confined blend of conquest and treaty-

[79] R. Hyam, 'Bureacracy and 'Trusteeship' in Colonial Rule', in J. M. Brown and W. R. Louis, eds., *Oxford History of the British Empire*, Vol.4: *The Twentieth Century* (Oxford, 1999); A. N. Porter, 'Trusteeship, Anti-Slavery and Humanitarianism', in A. N. Porter, ed., *Oxford History of the British Empire:* Vol 3 :*The Nineteenth Century* (Oxford, 1999); F. J. D. B. Lugard, *The Dual Mandate in British Tropical Africa* (London, 1922); P. J. Cain, 'Character, 'Ordered Liberty', and the Mission to Civilise: British Moral Justification of Empire, 1870–1914', *Journal of Imperial and Commonwealth History*, 40 (2012), pp. 557-578.

[80] For an account of British power in India which privileges treaties, see Callie Wilkinson, *Empire of Influence: The East India Company and the Making of Indirect Rule* (Cambridge, 2023)

based sovereign authority where, again, the nature of British claims were deeply contested.[81] In practice, cession involved a complex blend of old and new, and the reconstruction and co-option of existing or (re)invented sovereignties into imperial structures.[82]

Eighth and finally, sovereignty over a territory could be founded on the authority of global institutions. The most obvious examples were the League of Nations and United Nations mandates of the 1920s and 1940s; but joint and complicatedly interwoven forms of authority were common beforehand, from international supervision of the sixteenth-century fisheries at Newfoundland to the treaty ports in nineteenth-century China. Trans-national claims to sovereignty often involved a more abstract and universalistic language and created institutions which followed suit.[83] Thus the municipal council which administered the international settlement in Shanghai incorporated many forms familiar from elsewhere in the British empire, but functioned as a vehicle for what Isabella Jackson calls 'trans-national colonialism' administered by a multinational cast of actors within the matrix established by foundational treaties and concessions by China.[84] The collapse of imperial claims to legitimate sovereignty together with the growing emphasis on self-determination in the twentieth century left little other than international trusteeship to justify imperial rule.[85]

This list of archetypes is not exhaustive or mutually exclusive, something we have sought to illustrate especially in our discussions of conquest and settlement. There were no stable boundaries between each one; each could be sub-divided. Nor did each define the identity of any single area of imperial territory. Often, more than one claim was made for the same place

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[81] Jurgen Osterhammel, 'Semi-Colonialism and Informal Empire in Twentieth-Century China: Towards a Framework of Analysis ' in Mommsen, W. J. and J. Osterhammel eds., *Imperialism and After: Continuities and Discontinuities*, (London, 1986), pp. 290-314.
[82] For the resultant muddle in Africa, see W. M. Hailey, *An African Survey: A Study of Problems Arising in Africa South of the Sahara* (Oxford, 1938).
[83] Michael D. Callahan, *The League of Nations and Africa, 1914-1931* (Eastbourne, 2008); S. Pedersen, *The Guardians : The League of Nations and the Crisis of Empire* (Oxford, 2016).
[84] I. Jackson, *Shaping Modern Shanghai: Colonialism in China's Global City* (Cambridge, 2018); R. Bickers and I. Jackson eds., *Treaty Ports in Modern China* (London, 2016).
[85] J. L. Pearson, 'Defending Empire at the United Nations: The Politics of International Colonial Oversight in the Era of Decolonisation', *The Journal of Imperial and Commonwealth History*, 45 (2017), pp. 525-549; M. Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Oxford, 2009); R. Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia, 2010).

at the same moment, sometimes in coalescence and sometimes in argument with others. A common pattern was for multiple idioms to be asserted when a territory first came under British sovereign authority, with one predominating through contest between different groups of governors, settlers and indigenous peoples. Crucially the claims to sovereign authority shaped the political institutions which asserted power in practice, as well as the other way round. The incoherence and multiplicity of imperial sovereignty is not just an idle curiosity for historians of political thought but ought to be central to the broader historical study of empire in the rounds.

V

The empire's sweep encouraged its protagonists and subjects, supporters and opponents, to try to offer universal accounts about its rise, systematic character, and more recently, its fall. Such narratives ultimately always failed; telling stories relied on giving empire a single identity, which involved the suppression of other incompatible narratives. Reincorporating the incoherence of imperial sovereignty requires something more than merely recognising empire's complexity and diversity: it involves an account of how the fundamental instability and ever present clash between mutually incompatible idioms of sovereignty in turn shaped the politics and governance of the empire. Recognising this, we sketch in this final section, may help answer some of the big questions in the history of Britain's empire.

First, war. Violence within empire frequently occurred as governors and subjects who previously existed separately with incompatible but unacknowledged visions of empire were forced to confront their differences. War, often on a global scale against Britain's rivals and enemies, created the greatest sense of co-ordinated action with a defined purpose. The short-term exigencies and exertions need to create such coherent action only accelerated the disruptive tendencies of multiple idioms of sovereign authority. Such periods coincided with major assertions and retreats from imperial authority, and were followed by the empire's most serious crises.

The Seven Years' War, for example, created an unsustainable tension between different visions of imperial sovereignty. In 1763, the conquest and cession of previously territory that extended from Canada to the Caribbean by British troops enabled British politicians to use a more militaristic idiom to justify a more systematic and absolutist form of power. Lord Egremont's June 'Report on Acquisitions in America' criticised the chaotic extension of

settlement throughout the Americas, and set out a systematic plan which that would govern through 'a considerable military force'. Political leaders in London imagined this North American empire of conquest would be regulated from Parliament. But settlers in the Americas thought sovereignty had been transferred in the physical migration of individual subjects, who then created their own new British institutions through contracts and charters which created new forms of 'civil body politic', as the Mayflower Compact put it. The American crisis began as the clash between an idea of empire as a composite monarchy made up of self-governing territories affiliated to the Crown without being subject to Whitehall, and an alternative notion of a political hierarchy controlled from the Crown-in Parliament in London. The period which Edmund Burke called 'salutary neglect' before the Seven Years' allowed incompatible ideas to develop without conflict. The unity required in war exposed the essential incoherence of empire, creating an almost terminal crisis.[86]

A similar dynamic occurred within other global conflicts. The First World War brought the empire together as a global belligerent in a way which had never occurred before. The representation of leaders from territories on five continents represented in the imperial war cabinet seemed to presage a broader form of imperial union. Yet in practice, efforts to marshal the diverse sovereignties of the empire in the First World War disrupted the possibilities of governance in the long term.[87] They led white-ruled dominions to assert greater autonomy based on their claim of having established democratic polities through settlement. Indian anti-imperialism was energised by the denial of Britain's Asian empire's equivalence to white settler self-governance in the name of the enduring importance of conquest as the basis of Britain's claim to exercise power. Such contradictions pushed empire to total collapse after World War II. New systems of coordination, often created in collaboration with the USA, wove imperial territories into a kind of mutual dependence which was unsustainable once peace forced politicians to reflect on the principles of legitimacy which sustained their rule.

[86] Lord Egremont, 'Report on the Acquisitions in America', 8 June 1763 accessed at https://www.solon.org/Constitutions/Canada/English/PreConfederation/lt_17630608.html on 26 January 2021

[87] A. J. Stockwell, 'The War and the British Empire', in J. Turner, ed., *Britain and the First World War* (London, 1988).

Secondly, our emphasis on mutually incompatible idioms of sovereign authority helps explain the incidence and scale of violence more generally within empire. The violence associated with empire did not occur evenly. An attention to the concepts of sovereignty in operation at particular junctures provides suggestive ways to these variations in the scale of both endemic and episodic violence. First, the degree to which concepts of sovereignty conceived of populations as objects in the pursuit of some other objective rather than subjects or citizens affected the possibility for violence to be legitimated. Slave plantations treating the bulk of the population as property opened the way for extreme levels of coercion constrained only by metropolitan regulation.[88] In settler societies, endemic violence was concentrated on the frontiers of colonialism where indigenous peoples were marginalised and displaced; the importance of the apparently peaceful idiom of settlement in legitimating authority meant the scale of violence was frequently hidden, in many cases until long after the end of empire. Ironically imperial power was at its most total, indeed sometimes genocidal where violence was not explicitly recognised in the idiom used to justify sovereignty. Imperial violence against indigenous people in Australia and in India were both structured by idioms of racial difference; but their different practices and effects can only be understood by charting the multiple contradictory ways violence was justified.[89]

The multiple contradictory conceptions of sovereignty across empire accentuated the chance of clashes and provided alternative vocabularies through which challenges to the status quo might be mobilised. Many of the most violent episodes in imperial history occurred as groups of people who had imagined they inhabited the same polity realised their antagonists' had a radically different conception of sovereignty. Participants in the 1857 rising in Northern India rallied around idioms Mughal sovereignty in response to British assertions of rights of conquest, along with associated attempts to intervene at an all–India level. Here, actions which British officers as the necessary consequence of sovereignty acquired by conquest were regarded as illegitimate when viewed through the prism of the East India Company's bounded treaties with Mughal sovereignty.[90] Put schematically, 1857 saw a clash between our

[88] Mary Turner, *Slaves and Missionaries. The Disintegration of Jamaican Slave Society, 1787-1834* (Kingston, Jamaica, 1998)
[89] Henry Reynolds, *The Other Side of the Frontier: Aboriginal Resistance to the European Invasion of Australia* (Ringwood, 1982).
[90] F.W. Buckler, 'The Political Theory of the Indian Mutiny', *Transactions of the Royal Historical Society* 5 (1922), 71-100

third (conquest) and fifth (treaty) archetypes of sovereign authority. The violence of the end of empire emerged from competing conceptions of national sovereignty emerged out of or in response to different imperial idioms. The violence associated with the emergency Kenya or continual violence in Southern Rhodesia emerged in contexts where imperial, settler, and various African notions of sovereignty came into conflict with one another.[91] Rebellion and counter-rebellion occurred as protagonists' visions of authority clashed within an empire which proliferated incompatible ways of justifying and resisting sovereign power.

Third, attention to the incoherence of empire helps unpick the economic consequences of empire. Clashing conceptions of sovereignty produced no institutional coherence. Empire as a whole was not a project of development, nor the systematic producer of underdevelopment, although all of these occurred at certain places and times. In some cases, notions of sovereignty were directly produced by particular efforts at economic exploitation. In the slave economy of the Caribbean, a system of comprehensive labour exploitation evolved in tandem with an associated plantation conception of sovereignty and institutions of political governance. Cecil Rhodes' British South Africa Company evolved a similarly comprehensive and geographically extensive system of Chibaro labour in its attempt to squeeze profits from gold mines in its territories.[92] Not all concepts of sovereignty were so tightly tied to such exploitative economic outcomes. Railways, for example, in India were primarily constructed for military and political ends, to secure conquest, with British capitalists constantly clamouring for more and different routes than those which were actually built.[93] In much of tropical Africa and Australia prioritised exports, so the north-south transcontinental line in Australia which Lord Kitchener recommended in 1909 as being integral to the territory's defence was only completed in 2003.

Judged by growing output, the most economically successful portions of the empire, the settler dominions, were those portions where economic policy was increasingly determined domestically through representative institutions responding in a fluid way to global economic norms. This growth was grounded in the seizure of land from indigenous population who

[91] D. Anderson, *Histories of the Hanged : Britain's Dirty War in Kenya and the End of Empire*, (London, 2006).
[92] Charles Van Onselen, *Chibaro: African Mine Labour in Southern Rhodesia, 1900-1933* (Gwelo, 1974)
[93] Wilson, *India Conquered*, 278-290

were then largely excluded from growth because of their partial or total political and economic exclusion.[94] Elsewhere, the desire of imperial officers to maintain more absolutist idioms of imperial sovereignty usually (if not inevitably) constrained the involvement of local populations in institutions which would have facilitated development, or limited involvement to a small number of highly governed spaces such as port cities.[95] In much of Britain's African empire, colonial administrations constantly fretted that the social consequences of economic change would undermine their political control through neo-traditional elites.[96] In short, those writing the political economy of empire need to think closely about the economic impacts of the political institutions produced by incoherent sovereignty.

Finally, our approach helps explain the complex and uneven process by which empire ended and was replaced by a set of theoretically equal sovereign nation states.[97] The late 1940s saw the emergence of the first truly coherent global idea of world order. As the idioms of legitimacy which had justified the practice of empire collapsed, political leaders everywhere spoke a common language about popular sovereignty and national self-determination which assumed that every state was founded on the same principles of authority.[98] Even where imperial powers retained control after 1950, they exercised it in the name of nation-building, claiming to be preparing 'undeveloped' colonies for self-government. The last vestiges of empire paid homage to this new post-imperial world, imputing coherence to empire's diverse forms by claiming they were bound together through a shared liberal, developmental project after ever other idiom had collapsed. Liberal imperialism thus triumphed as a way of explaining empire at the moment of its collapse.[99] Thereafter, the route which different

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[94] Belich, J., *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783-1939* (Oxford, Oxford University Press, 2009); Wolfe, P., 'Settler Colonialism and the Elimination of the Native', *Journal of Genocide Research,* 8 (2006), pp. 387-409.

[95] M. Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, N.J. ; Chichester, 1996); Tirthankar Roy, *A Business History of India. Enterprise and the Emergence of Capitalism from 1700* (Cambridge, 2018)

[96] B. Berman and J. Lonsdale, *Unhappy Valley : Conflict in Kenya & Africa*, (London, 1992), 77-95.

[97] For incoherence in early stages of the ending of empire, see Amanda Behm, 'Settler Historicism and Anticolonial Rebuttal in the British World, 1880-1920', *Journal of World History*, 26 (2015).

[98] See Jon Wilson, *Out of Chaos. A Global History of the Rise and Crisis of the Nation State* (forthcoming)

[99] Sarah Stockwell, 'Imperial Liberalism and Institution Building at the End of Empire in Africa', *The Journal of Imperial and Commonwealth History*, 46, no. 5 (2018), pp. 1009-

imperial territories took to becoming sovereign, self-governing nation states was very different. Incoherent sovereignty did not end at one, sharp juncture. For instance, former settler colonies, it represented the evolution of imperial idioms which justified sovereignty through settlement and self-government into post-imperial nation-hood,, making it difficult to identify a single moment of 'independence' for societies like Australia, Canada and New Zealand.[100] Elsewhere, where British rule was justified with reference to military force or explicit racial hierarchies a sharper rupture often needed to occur. In India, Africa and the Caribbean, the empire's sovereign idioms needed to be emphatically repudiated for the new state to fit into a global order of nation states based on popular sovereignty.

It is the empire's multiple forms of imperial sovereignty and then the different routes which former imperial territories took to repudiate it, were a crucial legacy of empire. This multiplicity has shaped and limited in sharp degree the possibilities of the post-imperial Commonwealth, as Philip Murphy has charted.[101] They played out within new nation states, as multiple, contradictory idioms of authority left over from empire in a territory shaped the transition from empire to sovereign nationhood. Political leaders in territories where conquest was the dominant idiom had to deal with the status of subordinate polities which asserted that the subject to imperial suzerainty occurred through treaty. Different tactics were adopted, from the post-imperial Indian nation state's deployment of overwhelming violence against the state of Hyderabad's desire to remain autonomous, to the legal recognition of autonomous chieftaincies in West Africa.[102] In which succeeded to the authority of settler colonies, settler narratives have been challenged with stories of violence and dispossession coming from indigenous and aboriginal populations.[103] Inclusion in the nation in recent decades has

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1033; Chan, M. K. 'The Legacy of the British Administration of Hong Kong: A View from Hong Kong', *The China Quarterly*, 151 (2009), pp. 567-582.

[100] Davidson, J. 'The De-Dominionisation of Australia', *Meanjin*, 32, no. 2 (1979); Buckner, P. A., ed., *Canada and the end of empire* (Vancouver, BC, 2005).

[101] P. Murphy, *The Empire's New Clothes: The Myth of the Commonwealth*, (London, 2018).

[102] For Hyderabad, see Taylor Sherman, *State Violence and Punishment in India* (London, 2009), 151-169; for the way leaders in South Asia drew on and recast imperial idioms, see H. Kumarasingham, *A Political Legacy of the British Empire: Power and the Parliamentary System in Post-Colonial India and Sri Lanka* (London I.B. Tauris 2012), For West Africa, *Quills of the Porcupine* J. M.Allman, *The Quills of the Porcupine: Asante Nationalism in an Emergent Ghana*, University of Wisconsin Press, 1993).

[103] L. Veracini, L., 'Decolonizing Settler Colonialism: Kill the Settler in Him and Save the Man ', *American Indian Culture and Research Journal,* 41 (2017), pp. 1-18.

involved a reckoning with these multiple histories which has had reverberations in national politics. In Britain, controversies about the imperial past mesh different political values with alternative historical narratives about the basis of the British empire's claim to authority over territory overseas. Empire's incoherence has, it seems, struck back even in the former metropole.

VII

Imperial propagandists and scholars alike have tried to persuade themselves the British empire is a coherent, albeit complex and diverse, entity. Such efforts misconstrue the nature of empire. The history of the British empire was always one in which mutually disruptive sovereignties and a maelstrom of political projects clashed, coalesced and contradicted one another. 'The empire' was an unstable field of difference and contestation, not a unit of common action. Its discrete practices of politics curtailed the possibility that the empire, in its century- and globe-spanning entirety, had clear coherent and unilineal effects.

The argument here is not that the British empire did not exist. Clearly it did, in the consciousness of its protagonists and critics, but also in the practical, material institutional means of asserting power over people and territory across the world. Its existence was central in shaping the history of the territories it encompassed and over which it exerted sovereignty. The point instead is the history of empire as a whole should be approached as an exercise in charting the contests between mutually contradicting idioms of sovereignty and their practical outworkings in various locations, and the presence of the incoherence of empire as a potentially disruptive force in their histories.[104] With its focus on unevenness and plurality, such an analysis precludes the association of 'the British empire' with an abstract meta-concept such as capitalism, globalization, modernity or Western civilization. Crucially, it also precludes assertions of empire-wide continuity with the present, which fail to acknowledge the degree to which the period of decolonisation saw a collapse of the political and institutional forms that were empire, and the forms of legitimacy they relied on. Empire really did end. Other, post-imperial forms of global power emerged in its place. Reducing the history of empire to clashing monochrome parables for the present does a disservice to the past. But it also fails to offer a useful way of understanding the forces which shape the present. Far better that historians acknowledge the fundamental incoherence of empire, trace

[104] Armitage, *Ideological Origins*

the multiple different ways our present is shaped by its effects and, as importantly, develop more sophisticated ways of understanding the transnational forms of power that shaped the post-imperial world which followed its collapse.