

Sovereign (In)equality in the Evolution of the International System

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1 Introduction

Sovereign equality—the idea that all sovereign states are formally equal—is a fundamental tenet of international law and much international relations theorizing. The notion of sovereign equality traces its roots through the writings of Hugo Grotius (2012 [1625]); Samuel Pufendorf (2005 [1672]); Emer de Vattel (2008 [1758]), and other early modern publicists to the beginning of the state system and has attained an axiomatic position in the modern international legal system. Sovereign equality is asserted in Article 2 paragraph 1 of the United Nations (UN) Charter, which states that the "Organization is based on the principle of the sovereign equality of all its members." And this principle is repeated in the founding documents of most major international institutions, regardless of the inequality in the material capability or power of member states. The dominant theories of international relations accept the premise canonically articulated by Kenneth Waltz that "in the absence of agents with system-wide authority, formal relations of super- and subordination fail to develop."¹ Because states are undifferentiated, "[f]ormally, each is the equal of all the others" (Waltz 1979: 88).

Sovereign equality is significant because it aspires to equalize states, despite the inequalities in material capabilities dividing them. Small and weak states have a right to exist on equal footing with great powers, even though some states have the capacity to impose unequal arrangements on others.²

Yet, the principle of sovereign equality belies unresolved tensions that are coming into sharper focus as a result of the transformation of the international system. Sovereign equality is a limited and imperfect guarantee of equality. The history of the international system is rife with instances of the institutionalization of inequality, such as the veto power granted to the permanent members of the UN Security Council or the weighted voting structures of the International Monetary Fund (IMF). Moreover, it is unclear to what extent an equality norm—even when formally institutionalized—can mitigate the inequalities resulting from asymmetrical power relations.

These observations open up an important set of questions. What is the relationship between the great variation in state capacity on the one hand, and the aspiration to sovereign equality on the other? How are functional, legal, and political equality related? How and to what extent do international institutions mitigate or promote the inequality of states? In the spirit of these questions, this chapter analyzes the origins of the sovereign equality concept and its contested nature, the claim that

¹ Important exceptions include studies from critical theory, such as Immanuel Wallerstein's (2004) world systems theory, English School approaches emphasizing the societal dimensions of international relations (e.g. Bull and Watson 1984; Buzan and Little 2000; Keene 2002), and, more recently, studies examining the role of hierarchy in international relations (e.g. Hurrell 2003; Donnelly 2006; Lake 2009; Zürn et al. 2012; Viola 2013).

² Historically, this applied first to the limited membership of the European great power system (Krasner 1999), but it was more broadly extended in the twentieth century.

institutions can equalize relations among otherwise disparate states, and whether and how the erosion of state sovereignty is affecting the claim of equality among states.

We argue that sovereign equality is not a static category, a principle that is either upheld or violated. Rather, sovereign equality is a dynamic concept composed of three constitutive components—functional, legal, and political—that stand in changing tension to one another. Functional equality is the core of the concept of sovereign equality, accompanied by legal equality and political equality. The degree of equality achieved on any one dimension largely depends on the nature of international institutions and how they distribute rights and privileges. We identify three ways in which the evolution of the international system has affected the relationship between these constitutive components of sovereign equality.

First, the institution of sovereignty provides a guarantee of domestic autonomy and non-intervention that implies a functional equivalence between states. When sovereign states do not accept any law besides their own, international norms and rules require the consent of all parties to an agreement, enhancing the prospects for political and legal equality. In these consensus-based interactions, the contribution of institutions and international law towards leveling the playing field has been limited but important.

But increasing interdependence and the growing need to coordinate actions among states tend to make institutional arrangements for cooperative decision-making more numerous, more important, and often more formalized. In this context, our second observation is that the importance of political and legal equality increases. At the same time, powerful actors have opportunities to use their resources to shape both procedural and substantive rules in their favor, which increases the tension between the different forms of equality.

Third, this relationship takes on yet another facet when international institutions themselves become more autonomous and exert authority in their own right. As institutions gain authority at the expense of individual member states, new relationships of super- and subordination between states and institutions develop. International institutions exercising authority in their own right challenge the functional equality of states. Institutions exercising their own authority are no longer legitimated through the "one state, one vote" principle, but develop elements of vertical differentiation or formalized hierarchy, leading to increased political inequality between states. In addition, when international institutions make decisions against the explicitly stated interests of states, implementation of rules and rights is likely to be selective, potentially resulting in legal inequality.

The chapter is divided into three further sections: Section 2 presents our conceptualization of sovereign equality; Section 3 discusses the historical origins of the sovereign equality principle and its implications; Section 4 analyzes how international institutions act as state equalizers and unequalizers, taking into account the tensions between material inequality and the prospects for legal and political

equality. We conclude by reflecting on the future of sovereign equality and its implications for a changing international system.

2 The Meaning of Sovereign Equality

We argue that there are four distinct, albeit interrelated, ways of thinking about equality in the state system: resource equality, functional equality, legal equality, and political equality. Resource equality refers to the distribution of material and non-material capabilities among states, including standard capability measures of power. Traditional theorizing on international relations takes state relations to be characterized by resource inequality on the one hand, and sovereign equality on the other hand. Sovereign equality, in contradistinction to resource inequality, is most commonly used to refer to one or a combination of functional, legal, and political equality.

Traditional theorizing on international relations focuses on the unequal distribution of resources among states.³ States vary greatly in material resources, such as territorial size, population, economic output, and military prowess. They also vary greatly in soft resources, such as expertise, bureaucratic and technological development, and moral persuasiveness. These differences in resources are significant because they contribute to a state's ability to exert power and influence in the international system. Indeed, the study of international relations has been, primarily concerned with how unequal capabilities determine the distribution of power, which in turn determines inter-state relations and systemic stability.

Despite great variation in resource endowment, "sovereign equality" is nevertheless a core principle of international relations. The notion of sovereign equality is first and foremost anchored in the idea of functional equivalence. Kenneth Waltz (1979), for example, understands sovereign equality to result not from material equality but from the fact that all states are similar, rather than differentiated, in structure and function. In the international system, each state is self-sufficient and autonomous, so no state is entitled to command and none is subordinate to another. In the language of differentiation theory, states thus stand in a relationship of segmentary, but not functional, differentiation with each other.⁴ States are thus understood to enjoy functional equality. This kind of equality is one of category-all states are states by virtue of their statehood-and is generally understood to carry with it the normative imperative of non-intervention.⁵

International law goes further in claiming that functional equivalence (i.e. statehood) carries with it a broader normative imperative that states ought to be treated alike. International law formally

³ Some authors have addressed the contested and changing nature of the sovereignty norm (for various perspectives, see Barkin and Cronin 1994; Bartelson 1995; Krasner 1999; Buzan and Little 2000; Clark 2005; Osiander 2001; Philpott 2001; and Weber 1995; cf. also Ziirn and Deitelhoff, Chapter 10, this volume).

⁴ Sociological differentiation theory has rarely been employed in analyses of international relations. However, it speaks directly to the issue of functional equality and its implications. See the contributions in Mathias Albert et al. (2013)

⁵ See Stephen Krasner (1999) for a discussion of the relationship between sovereignty and non-intervention.

guarantees states "equality before the law" or legal equality.⁶ Equality before the law means that like actors are treated alike—that is, consistently—in front of judicial organs and are equally able to assert their rights (Suganami 1992: 222; Simpson 2004: 43). There must be no deviations in treatment between similar cases on the basis of whim, fear, or favor unless provided for in the rule itself. By the same token, states are equally bound to obey international law. Legal equality does not, however, imply or guarantee other kinds of equality, such as the equal distribution of rights or resources. In fact, it leaves open the possibility that even equally applied laws might discriminate in their effects, for example, laws that might further the interests of some, but not all, states. The norm of sovereign equality is often embodied in international institutions, which has brought the principle in close association with the idea of political equality. Almost all international organizations explicitly include in their founding documents a commitment to the equality of their members, evoking the expectation that members will have equal representation, equal voting power, and equal rights and duties (Efraim 2000). In some instances, such as at the United Nations General Assembly, political equality does indeed get translated into "one state, one vote." But in many instances, political equality is limited—meaning simply that sovereign states get a seat at the table. Thus, when we consider the IMF or the World Bank, all member states have a voice, but the relative weight of their voting power varies greatly in accordance with their material power. Institutional arrangements, therefore, do not consistently translate functional or legal equality into political equality.

Together, functional, legal, and political equality form the building blocks of sovereign equality. As a principle of the international system, sovereign equality emphasizes the equality of states in spite of obvious resource inequalities. Functional, legal, and political equality, while not eliminating resource inequality, may mitigate the effects of power. Functional equality, as noted, implies the norm of non-intervention and is the basis on which state independence is respected, despite the fact that some powerful states have the ability to dominate others. Legal equality adds the notion of equality before the law and so constrains the range of legitimate action for powerful states. Political equality gives even small and weak states a voice in the management of the system so that, for example, resource inequalities are neutralized in majority decision-making. Political equality can further mitigate inequality in resources by giving small and weak states an opportunity to use their voice to redistribute goods in their favor.

3 Sovereign Equality in the Evolution of the States System

The principle of sovereign equality can be traced back to the earliest theorists of the international system. Although scholars disagree over who first articulated the idea of sovereign equality, Hugo Grotius (2012) is traditionally attributed this distinction for his 1625 treatise *De Jure Belli ac Pacis*

⁶ Legal equality in the sense used here is related to, but only an element of, the broader concept of rule of law, e.g. conditions of due process and prosecutorial and judicial. All of these elements are central to the rule of law, but are, at best, barely emergent at the international level.

[On the Laws of War and Peace].⁷ Emer de Vattel is then widely considered to have worked out its theoretical underpinnings, largely under the influence of natural law (Nincic 1970: 37). These jurists, writing in the seventeenth and eighteenth centuries, sought to provide a legal-normative basis for the recognition of autonomy of the small and newly independent political entities that resulted from the collapse of the Holy Roman Empire. The state was then still a highly fragile construction whose independence they sought to naturalize by arguing that the domestically consolidated state is the only type of actor fit for sovereign equality (Williams 2005: 47) and by explicitly excluding other types of actors—specifically sub-state actors such as guilds or merchants, super-state actors such as the Holy Roman Empire, and networks of cities like the Hanseatic League (Spruyt 1994). The challenge, however, was to eliminate the contradiction between the reality of material inequality and the nascent legal claim to equality.

Inspired by Thomas Hobbes' description of the state as an "artificial man" in *Leviathan* (1991 [1651]), the classical jurists reasoned that if states are like people, then states are like people—equal by nature. They argued that a fundamental principle of international law is that sovereign states have equal standing in the international system by virtue of having the qualities of sovereignty or statehood, despite their differing capacities. Early writers such as Jean Bodin (1992 [1576]) and Hobbes argued that domestic control over territory must be considered the main marker of sovereignty. An actor that possesses control over a territory and autonomy from other actors possesses the qualities of a sovereign state and, by definition, is like any other sovereign state. Thus, the jurists attempted to eliminate the contradiction between the reality of material inequality and the legal claim to equality with a formalistic solution. They grounded the claim to equality in the shared formal attributes of statehood, anchoring it in an argument of functional equivalence. The rooting of sovereign equality in functional equivalence has had significant implications for the international system. The principle of sovereign equality was successful in justifying a certain standing or status for small states that were otherwise weak actors. The articulation of this legal doctrine helped buttress claims to territorial autonomy and supported norms of non-intervention (Strang 1991; Bartelson 1995). At the same time, however, it achieved this by explicitly excluding actors without the defining features of states. Even today, non-state actors are excluded from the principle of sovereign equality and its basic protections. In spite of transnational actors' increasing access to international organizations (Tallberg et al. 2013) and the active role that the EU plays in some international negotiations (Burca and Scott 2001), such actors do not have the standing of being equal members of the system and so have no, or few, legal rights in international law. This is a significant constraint on the participation of non-governmental and supranational actors who, over the past several decades, have been gaining in *de facto* importance. A further implication of the articulation of sovereign equality in terms of functional equivalence has been the relative neglect of the substantive content of states' rights and duties. By emphasizing that all

⁷ See Athena Efrain's (2000: 66-69) discussion about disputes concerning the first treatment of sovereign equality.

sovereign states have equal standing by virtue of their shared attributes, early scholars supported and facilitated a formalistic rather than substantive interpretation of equality. Indeed, as long as there were no or only few venues for formal inter-state cooperation, the question of how to distribute substantive rights and duties was not salient. Some attempts at early formalized cooperation, such as the Hague Conventions, respected a strong principle of sovereign equality by proposing unanimity or one-state, one-vote decision rules, or by making decisions on the basis of consensus (Simpson 2004: 132-164). Yet as institutional arrangements became more important as tools of international governance, the great powers attempted to institutionalize a leadership role for themselves (Simpson 2004). Modern international institutions thus faced the dilemma of respecting the principle of sovereign equality while giving expression to power differences. The principle of sovereign equality, derived as it was from the attribute of state autonomy, left the door open for resolving this tension by reducing sovereign equality to functional equality with few formal, if any, legal and political rights. On the one hand, formal institutions acknowledge the principle of sovereign equality by giving all sovereign states a seat at the table. On the other hand, International Organizations (IOs) also institutionalize the unequal distribution of rights and duties among states. Thus, while functional equivalence remains the cornerstone of sovereign equality, the legal and political dimensions of sovereign equality prove less stable and become dependent on how they gain institutional expression. The crucial question then becomes, how and to what extent do institutions contribute to equality or inequality among states?

4 International Institutions as State Equalizers and Unequalizers

International institutions, to the extent that they give all sovereign states a seat at the table, have the potential to amplify equality among states. Being recognized as an equal member of an institution puts states on the same formal footing despite vast differences, which has the potential to translate into redistributive results. At the same time, however, any given rule or law reflects power relationships and therefore might work in favor of more powerful states. We disentangle these contrary effects by distinguishing first between traditional postwar institutions, characterized by executive multilateralism, and those institutional arrangements that, over time, begin to assert their own authority. Second, within both of these types we distinguish between rule setting (i.e. the creation and reform of institutions), which mainly affects issues of political equality, and rule implementation (i.e. the ongoing operation of rules and institutions), which mainly has implications for legal equality.

Our finding is that institutions promote a minimum guarantee of sovereign equality on one dimension while often undermining it on another. Moreover, as institutions grow in importance and deepen over time, they have the potential to amplify these effects.

Executive Multilateralism and Implications for (In) Equality

Consider the creation of an international institution among a group of states that are functional equals but vary in their resource capacities. The occasion for creating the institution is that prevailing national

policies are not properly aligned on some issue such that joint gains are available through cooperation. Cooperation requires that states change their respective behaviors in some way and is problematic both because cooperation requires individual sacrifices by various states (e.g. changing their policies) and because states may have normative and distributive differences over the exact content and form of cooperation. For this reason, cooperation may need to be institutionalized in order to decide upon, coordinate and manage these changes, as well as monitor states' respective behavior. Since states differ in resources, the participation of some will be more vital than participation by others; certain states also may be more dependent on achieving cooperation than others. These differences in resource capacity and needs translate into different bargaining power regarding the terms of cooperation. Even without specifying the situation in more detail, more powerful states - defined in terms of having more resources and less need for cooperation - will be strongly advantaged in defining the terms of institutionalized cooperation, regardless of the formal recognition of their equal standing. Sovereign equality cannot fully mitigate the inherent advantages of the powerful in the international system. However, a pure bargaining story misses the commitment problem that is central to the institutionalized cooperation story. Because institutionalized cooperation entails an ongoing enterprise, it requires a deeper commitment than is entailed in a one-off bargain. Powerful states need to assuage concerns that they will take advantage of weaker states and reassure cooperation partners that they will live up to their commitments. This leads powerful states to make institutionalized commitments to respect the rights of the weak (North and Weingast 1989; Cowhey 1993; Ikenberry 2001). These commitments can be made even stronger by various forms of legalization that reduce the uncertainty and arbitrariness that weaker actors face in the international system (Abbott and Snidal 2000). In return for assuaging the concerns of the weak, however, the powerful capture the lion's share of the substantive gains of cooperation and, more importantly, structure the institution's procedural rules in their favor. Thus international institutions enshrine both a commitment to legal and political equality and de facto inequality in their operations. This equality-inequality relationship is especially apparent when institutionalized cooperation emerges in the aftermath of war. Here victors have a (possibly temporary) opportunity to impose terms on the vanquished and take everything for themselves. But they may instead pursue the alternative option of constructing a postwar order that is less punitive and even beneficial for the vanquished by organizing them into an institutional arrangement that serves and maintains the victor's advantage over time (Ikenberry 2001). The resulting institutional arrangement lessens inequality among states at the current time by giving the defeated and now extremely weak state some (rather than no) political rights-but its very purpose is to harness the stability of institutions to sustain political inequality over time. The best-known example is undoubtedly the United Nations Security Council, which grants a veto right to only the five permanent members.

Moreover, rule-deepening over time can reinforce the unequal effects of rules. Thus, the distributional consequences of the World Trade Organization (WTO) are widely thought to be skewed towards the

advanced economies because of its emphasis on manufactured goods and provisions for intellectual property rights. There was a tacit understanding that this would be rectified in subsequent discussions in the Doha trade round-but the successful operation of WTO rules has reinforced a stalemate on the prevailing, biased institutional status quo. While such considerations might be ascribed to unanticipated path dependence, the case of the powerful victor reminds us that states anticipate these effects as they create institutional rules. The legislative procedures in the international system, that is, the secondary rules in the sense of H.L.A. Hart (1961), are still blunt and foster opportunistic behavior. Indeed, the increasing strength of international law and increasing authority on the part of IOs may work in favor of the most powerful states when international institutions grow in number and influence (Benvenisti and Downs 2007).

This congealing of power in formal rules corresponds with (in)equalities in informal institutional practices. In creating an institution, it is impossible to write a complete "institutional contract," since the world is too complex and unanticipated events occur. Thus, any institutional arrangement depends also on informal practices that emerge around the formal procedures and are essential to its operations. Indeed, many formal rules, such as voting rules, are rarely invoked in international organizations where decisions are instead reached through informal understandings and unspoken consensus. The shift to informal rules may also change the relative ability of actors to influence an issue. Some informal resources (such as the ability to be persuasive) may be neutrally distributed in ways that promote equality, although even here it appears that certain states (e.g. developed ones such as Norway and Canada) are relatively advantaged in this respect. Other informal resources would appear to favor the powerful states quite strongly. These states are typically more centrally located in international networks, and this positional advantage empowers them to build supporting coalitions for any action from setting agendas to building a consensus. In addition, they have greater resources with which to bargain, more possibilities for offering linkage to other issues, and more personnel to send to meetings and conferences.

Informal inequalities can coexist easily with formal political equality as expressed by the "one state, one vote" rule. In many international institutions, formal political equality is maintained in the rule-setting stage in that any decision about the content of rules requires the consent of all states. This formal political equality helps smaller states to increase their bargaining power and thus can be seen as an equalizing force. But Randall Stone (2011) has recently documented how the informal influence of resource inequality can offset the apparent move towards formal political equality within a number of international institutions. Sometimes this happens by moving decisions to informal forums, such as the G-groups, where powerful states hold sway (Vabulas and Snidal 2013), but often it happens through informal processes within formal organizations. The green room negotiations of the WTO, for example, privilege a small set of powerful actors in the process of rule-setting. Another striking recent example is the "single undertaking" of the Uruguay Round, whereby developed states presented the basic WTO framework to less developed states as a take it or leave it offer. This compelled the

weakest states to join the new trade arrangement even though it did not satisfy their demands for including agricultural products and imposed unwanted requirements, including laws on intellectual property rights, upon them.

Turning from rule creation to rule application and implementation, we find a similar mix of equality and inequality. Sovereign equality provides for a minimal equalizing effect to the extent that it is translated into equality before the law, that is, legal equality in our terms. Because powerful states need to maintain the support of weaker states, they have strong reasons to respect equality before the law and, more generally, existing institutional rules. Thus, powerful states often act as if bound by international law and agreements. For example, the United States (US) - more so than the EU - has abided by WTO commitments and Dispute Settlement rulings, regardless of how strongly it opposed them. Even when powerful states want to break or circumvent international law, as the US was arguably doing with respect to the Iraq War, they generally justify their actions in terms of international law and seek the agreement and support of weaker states (Thompson 2009). A particularly striking example is that even at the height of the Cold War, both the 1956 Soviet invasion of Hungary and the 1961 US Bay of Pigs operation were changed in military disadvantageous ways in order to strengthen the perception that international law was being followed (Westra 2008). Powerful states are influenced by international rules even when they are breaking them.

The non-prejudicial implementation of rules over time often strengthens them and, therefore, their equalizing effect. This may happen as states become more deeply socialized to rules through recurring, practice, which also may deepen these rules' legitimacy. It also may happen as existing rules shape states' decisions and investments in ways that increase their reliance on the rules over time. All of these effects may reinforce the normative power of rules. This has surely happened with the rules proscribing the use of force except in certain justified situations. Insofar as existing legal rules empower the weak, equal application will allow them to advance their interests (Krisch 2001: 152). As noted earlier, however, law can also instantiate the interests of the powerful and thus its overall equalizing tendencies cannot be assumed in all cases.

Increasing Institutional Authority and Implications for (In)equality

Thus far we have considered institutions as intergovernmental bodies based on executive multilateralism and the consent principle. In these institutions, both procedural and substantive rules are likely to reflect power inequalities. Nevertheless, the formal political and legal equality expressed in the consent principle acts as a significant equalizing force.

The performance of certain governance tasks, however, may require the delegation of authority to an international organization, thus challenging the consent principle. As international institutions cover more issues and become increasingly responsible for regulating transnational and behind the border issues, they may gain public authority (Zürn et al. 2012). This may be because there is a need for some

way of "filling in" the incomplete contract, for centralization of activities, or for an agent who is independent of member states (Abbott and Snidal 1998). Whatever the reason, the agent must have some autonomy to be effective (Hawkins et al. 2006) and is sometimes in a position to expand this autonomy beyond the initial grant of authority. The secretariat of the International Atomic Energy Agency, for instance, monitors nuclear regulations and their domestic implementation. Similarly, the World Bank and IMP can impose policies autonomously. Another significant development in this respect is the rise of international dispute settlement bodies to whose decisions states bind themselves.⁸ But even without a formal delegation of power, international institutions can undermine the consent principle, as when decisions are made on the basis of non-unanimous voting. Majoritarian decision-making increases the ability of international institutions to act by cancelling the vetoes of individual states or even non-majoritarian coalitions. Today, roughly two-thirds of all international organizations with the participation of at least one great power include some majority rule provisions (see Blake and Payton 2008). Insofar as international institutions exercise authority, the consent principle is undermined, and an element of vertical stratification is introduced into a system otherwise characterized by functional equivalence. International institutions have political authority over states when states recognize, in principle or in practice, their ability to make binding decisions or judgments on matters relating to a state's jurisdiction, even if those decisions or judgments are contrary to a state's own policies and preferences (Cooper et al. 2008: 505). This can happen through the delegation of policy functions to international organizations or through the pooling of decision-making (Moravcsik 1998: 67; Hawkins et al. 2006). While such authorized international organizations may pursue their own organizational or "pathological" goals (Barnett and Finnemore 2004), they often pursue the collective goal for which they were created with more vigor than the states that created them. This may protect weaker states against the vagaries of powerful states in some circumstances, but it also opens opportunity-and perhaps necessity-for the institutionalization of formal political inequality.

The institutionalization of political inequality is likely for three reasons (Zürn 2007). First, powerful states accept the authority of international institutions only if they can be sure that the institutions will enable them to maintain their privileged status. For this reason they demand special political rights, such as weighted voting rights and vetoes. Thus, international institutions capable of exercising authority over members, such as the UN Security Council, are likely to be characterized by powerful states with special privileges regarding the deployment of institutional authority, which ultimately undermines the political equality of states.

Institutional rules may become so deeply entrenched over time that political (in)equality is very hard to change even if the underlying resource distribution has changed. On the UN Security Council, for example, France retains its position even though it has been surpassed as a great power by other states. While the Security Council would never be constituted the same way today, the difficulty of agreeing

⁸ See Project on International Courts and Tribunals, "Material and Publications" <http://www.pict-pcti.org/matrix/matrixintro.html>, see also Karen Alter (2009).

on a new membership, the interests of existing permanent members in not opening up the membership question, and the possibility that trying to change things might disrupt the existing arrangement have been sufficient to preserve the prevailing arrangement. This tendency will be reinforced insofar as states have invested in the prevailing institutional arrangements. Given that any attempt to abolish the special position of the veto powers can be thwarted by this very same veto, we have institutionalized inequality.⁹

Weighted voting rights in the World Bank and IMP provide additional examples of the institutionalization of political inequality. The Bretton Woods institutions that still guide much of the international political economy were shaped mainly by the US and United Kingdom (UK), and these institutions have enabled the US and the UK to maintain both their financial and ideological power in the ensuing period. Indeed, as changes in the distribution of financial resources have diminished relative US voting power, the veto threshold has been adjusted to compensate. To a certain extent, the vote quotas can be seen as functional and meritocratic. The problem of political inequality arises, however, to the extent that these institutions are then empowered to impose far-reaching internal restructuring measures, for example in reference to currency imbalances, on some countries but not on others. That the content of international rules reflects power distribution can be seen in other issue areas as well. Thus, the US was granted special rights temporarily during the definition of the International Criminal Court, in the form of Resolutions 1422 and 1487 (Deitelhoff 2009). American soldiers who commit crimes when deployed on UN missions could not be indicted. Corresponding exceptions were also offered in the design of the Ottawa Landmine Convention and the Kyoto Protocol, where the US negotiated such favorable conditions that questions concerning equal treatment can justifiably be raised. If the US, which is among the top ten producers of per capita CO₂ emissions and is also among the richest countries in the world, is allocated significantly lower emission reduction obligations than many other countries, this would appear to be an expression of differential rights sanctioned by law. In short, as international institutions gain authority, political equality between states is undermined.

A second reason why an increase in institutional authority may increase political inequality concerns the changing ways in which institutions legitimate their authority. As long as the intergovernmental level was restricted to merely developing a *modus vivendi* of interaction, requiring the consent of each member state, a two-staged process of legitimation was sufficient (Moravcsik 2004; Scharpf 2010). The decisions taken on the level beyond the constituent members were legitimated through the legitimacy of their representatives. With the rise of authority of international institutions undermining the consent principle, this has changed. There is an increasing need to create a direct link between the international institutions that exercise authority and the societal targets of regulations (Zürn 2004).

⁹ Consider in this context, however, the interesting Report of the Princeton Project on National Security (Ikenberry and Slaughter 2006) which demands, for the first time ever, a self-imposed restriction on the use of the veto by the US. This changes little with regard to the argument, however: the right of veto can only be abolished if all five veto powers vote in favor of the measure.

Insofar as societal actors do not have direct access to international institutions, however, sovereign inequality may be necessary for their legitimacy. Given the dramatic differences in the size of states - ranging from a few thousand inhabitants in countries such as Liechtenstein to over 1.3 billion in the case of China - the functional equality of states does not provide a normatively compelling principle for the representation of societal interests when international institutions exercise authority (Luban 2004). The exercise of independent institutional authority, where the institution acts on behalf of global-societal rather than state interests, strengthens the claim that states with large populations should have more influence than those with smaller populations. In this sense, the delegation of authority to institutions might amplify the political inequality of states.

Moreover, if international institutions gain authority to set rules without the consent of all states but do not also gain the capacity to enforce those rules, selective implementation of the law becomes institutionalized. In this way, legal equality is further undermined. Since 1989, for example, human rights abuses have increasingly gained acceptance within the international community as legitimate grounds for intervention, so states can no longer be described as fully sovereign in the sense of being free to rule inside their own territories as they see fit. The dramatic contravention of human rights is now interpreted as a violation of universal obligations, which can be sanctioned by the international community. Such changes may be desirable, but they present a challenge to any notion of functional equality. Third, the material resources-financial and military-for the enforcement of emerging norms remain primarily in the possession of powerful states. This means that the implementation of institutional decisions will tend to be selective, and therefore unequal, in at least two ways: it will be based on the willingness of powerful states to act, and it will exhibit a bias against enforcing laws on powerful states and their allies. The UN, for example, continues to depend on the willingness of individual states-such as the US and its allies-to implement peace enforcement operations decided on by the Security Council. Because powerful states are only interested in intervening in conflicts in exceptional cases, the UN itself can only selectively enforce its laws (Zangl and Zürn 2003). The UN was not in a position to intervene, for example, in the civil war situations in Myanmar, Sudan, Angola, or Liberia, as no powerful state was willing to send its armed forces on a military mission authorized by the UN (see Binder 2009 for an account of factors driving the selectivity of interventions). Thus, the most powerful states, and above all the US, effectively decide when fundamental norm violations are sanctioned and when they are not, and the UN's peace enforcement remains necessarily selective. Equality before the law is thus undermined.

Thus, the impact of international institutions on sovereign equality depends on the type of international institution. When international institutions are based on the consent principle and follow the logic of executive multilateralism, formal guarantees of equality can be effective, especially when there is a high level of legalization. Inequality of power resources can nevertheless find expression in informal political inequality and in the content of rules. To the extent, moreover, that the consent principle is replaced with partial international authority-the authority to make decisions, but no

authority to enforce them-political inequality gets institutionalized, and the implementation of norms may become selective and violate legal equality.

5 Conclusion: The Future of Sovereign Equality

We have argued that sovereign equality must be understood in terms of its component parts: functional, legal, and political equality. Moreover, these parts are not always positively correlated with one another. Indeed, we have discussed how these different types of equality exist in tension with one another. An important question raised by the international relations literature is to what extent institutions can amplify sovereign equality and potentially mitigate the tensions between its component parts.

We have argued that the strength of sovereign equality and the relationship among functional, legal, and political equality is very much influenced by the institutional structures in which they are embedded. It is impossible, however, to say that institutions always strengthen or always weaken sovereign equality. In simple, consensus-based institutions with little authority over distributional conflicts, institutions can level the playing field among differently endowed states by reflecting their functional equality. But as institutions become more formalized and increase in their authority, powerful states have incentives to use their resources to shape institutions to their favor, leading to increased political inequality. Institutional reproduction, in turn, deepens these asymmetries. As institutions themselves become more authoritative at the expense of all member states, moreover, functional equality can be further undermined, and forms of legal hierarchy can begin to develop. What, then, is the future and the future impact of sovereign equality? To the extent that states remain the key actors of international politics, sovereign equality is likely to remain a key constitutive-and contested-element of their relations. To the extent that non-state actors-whether supranational institutions acting from above, or non-governmental organizations (NGOs) and firms acting from below-play a central role in global governance, sovereign equality is likely to become less important, and potentially undermined, as an organizing principle. In particular, as continued globalization further increases the prominence of non-state actors, it will be more difficult to make sovereign equality meaningful. It is likely, then, that an alternative or some hybrid organizing principle will emerge that better reflects the shifting distribution of authority-both among states and between states and non-states-in the international system. One possibility is that a weakening of sovereign equality's component parts will lead to a more hierarchical order in which certain actors have authority over others. Ironically, this is exactly the sort of circumstance under which the principle of sovereign equality first originated in the early modern European states system. The success, failure, or modification of sovereign equality has major implications for the relations among states and other actors. Even if sovereign equality does not remain a key constitutive principle of international politics, understanding and analyzing it will provide an important key to emerging institutional changes.

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