Stratificatory differentiation as a constitutive principle of the international system

Lora Anne Viola

1 Introduction

International Relations (IR) scholarship has a dominant narrative about the creation of the international system. According to this account, the breakup of Christendom and the decline of the Holy Roman Empire gave rise to political actors with complete domestic control over a well-defined territory – independent states. These states now existed in a space no longer dominated by a superior overarching authority. In the absence of this superior authority, each recognized and accepted the other's achievement of independence, thereby acknowledging formal equality. The new international order that resulted was thus organized around the core principles of territoriality, autonomy and equality, and considered to have been codified in the 1648 Treaties of Westphalia (see Krasner, 1993; Lesaffer, 2004). While most debates about the origins of the international system have been about the validity of taking Westphalia as its historical starting point or about the empirical robustness of the sovereign autonomy principle (see Wight, 1977: 135; Krasner, 1999: 20; Buzan and Little, 2000; Osiander, 2001), I argue here that we need to reassess the extent to which sovereign equality was ever a defining principle of the system.[1]

It is conventionally accepted that the major development of the modern international system is that the unity and hierarchy of medieval Europe was replaced with a system characterized by, in Luhmann's terms, segmentary differentiation. Modernity led, in the international system as elsewhere, to the displacement of stratificatory differentiation by segmentary and functional differentiation. Segmentary (or egalitarian) differentiation denotes a system composed of 'like units', equal and functionally similar to one another (see Buzan and Albert, 2010; see also Waltz, 1979). As Suganami (1992: 221) writes, '[t]he doctrine of the equality of sovereign states is one of the central postulates in the theory and practice of international law and international relations in the contemporary world'. Efraim (1999: 48 and appendix) shows that the principle of sovereign equality is referred to in nearly all international institutions. This is exemplified in Article 2 (1) of the UN Charter, which states that the 'Organization is based on the principle of the sovereign equality of all its members'. In Resolution 2625 the UN clarified that sovereign equality guarantees that states 'have equal rights and duties and are equal members of the international community'. Overall the picture is of an international society in which

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[1] Several recent works have begun to question the principle of sovereign equality. See, for example, Kingsbury (1998); Hurrell (2003); Donnelly (2006); Viola et al. (2013). More generally, while most of IR has accepted the existence of a sovereign equality norm, the English School has been important in bringing to light the stratification concealed within sovereign equality. See Bull and Watson (1984); Buzan and Little (2000); Keene (2002). On the role of the English School more generally, see Dunne (1998).

segmentary differentiation is the rule and stratificatory differentiation exists, if at all, only informally. The notion of sovereign equality, which can be traced back to the earliest theorists of the international system,[2] was built upon the logic of like kinds: system units (states) are all territorially contained and politically independent actors and these shared attributes make them like kinds, and because they are like kinds they are equal. But, given the many obvious ways in which states are not alike, given the diversity of their material power and internal characteristics and given the manifest ability of some to dominate others, a number of questions emerge. How are states constructed as like units in the first place? What does it mean to be a like kind and what consequences does it have? If it does not refer to material equality, what kind of equality does likeness confer?

In this chapter I deconstruct the logical underpinnings[3] of the sovereign equality claim, an exercise that reveals sovereign equality to be a precarious concept reliant on the imposition of inequalities. I argue that the international system itself emerges as a result of the stratificatory differentiation between included and excluded actors and, furthermore, that stratificatory differentiation also characterizes the relationship among system insiders (i.e. supposedly equal sovereign states) to a considerable extent. My argument proceeds in five sections.

First, I argue that states are not self-evidently like kinds, but that like kinds must be constructed. Essentially, this means that the equality among states is an artifice of categorization. But, perhaps more importantly, like kinds cannot be constructed without simultaneously constructing unlike kinds. In other words, there is no sovereign equality without sovereign inequality. The system, therefore, is constituted by a continuously reproduced stratification between the included and excluded. Second, I discuss the normative criteria and strategic motives by which system inclusion and exclusion have been determined as the system evolved. Third, I argue that the distinction between like and unlike kinds, or equals and unequals, is not trivial but has significant distributional consequences. Fourth, system insiders do share a kind of equality, but only in a very limited sense which provides no guarantee against other forms of institutionalized inequality. Fifth, and finally, not only is recognition of sovereignty no guarantee of equality, but the more inclusive the system becomes, the more likely that stratification within it will increase.

2 The logic of like kinds and stratificatory differentiation

According to the reasoning first introduced by early modern jurists in thinking about relations among sovereigns, and still traceable in much modern IR scholarship, sovereign states are formally equal because they are 'like kinds' distinguishable from other kinds. Classical jurists grounded the equality argument in an analogy between states and people, which remains a foundation of IR theory even today

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[2] Although scholars disagree over who first articulated the idea of sovereign equality, Grotius is traditionally awarded this distinction for his 1625 treatise De Jure Belli ac Pacis. See the discussion in Efraim (1999: 66–9) about disputes concerning the first treatment of sovereign equality.

[3] As opposed to its historiographical underpinnings. For a recent historiographical account of sovereign equality, see Stirk (2012).

(see Beitz, 1979: 36, 54–6).[4] The most direct inspiration for the analogy comes from Hobbes's *Leviathan* which begins with a detailed description of the state as an 'artificial man'. The early jurists transferred Hobbes's domestic analogy to the international level where they used it to think about the relations among states. If states are like people, they reasoned, then the relations among states must be like the relations among people.

Conceptualizing states as individuals made it possible to extend natural law, understood as rules given by nature (or God) and ascertainable through human reason rather than as constructs of human imagination, to the international level.[5] One of the basic principles of natural law is that all people are equal, since we observe individuals to have roughly the same faculties of body and mind.[6] The analogy between states and people permits the conclusion that all states are also equal. This idea is captured in a widely and favourably cited quote from Vattel: 'A dwarf is as much a man as a giant is; a small Republic is no less a sovereign State than the most powerful Kingdom.' He continues:

Since men are by nature equal, and their individual rights and obligations the same, as coming equally from nature, Nations, which are composed of men and may be regarded as so many free persons living together in a state of nature, are by nature equal and hold from nature the same obligations and the same rights. Strengths or weaknesses, in this case, count for nothing.[7]

We can trace this same logic throughout contemporary IR, where Vattel's point is habitually reiterated. It was endorsed by influential international lawyers of the early twentieth century, such as Lauterpacht and Oppenheim,[8] and is echoed in the UN Charter Preamble.[9] Even more influential for current IR theory is that the same idea became part of Waltz's structural theory of international politics. Waltz argues that, unlike the differentiated agencies inside a state, states are functional equivalents of each other – they all perform the same functions and so duplicate one another's activities (see Waltz, 1979: 96–7). Just as people are functionally equivalent, so too are states. The functional equivalency argument is broadly accepted across (structural) theories of IR.[10]

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[4] The analogy between state and person is still a critical part of IR scholarship today. See for example Alexander Wendt's (1999: 215; 2004) claim that 'States Are People Too' in which he argues that states are not just analogous to people, but states are people.

[5] Dickinson argues that a comparison of the classical treatises on international law shows that the idea of equality did not come directly through the idea of sovereignty but 'through the theories of natural law, natural equality, and the state of nature . . . The doctrine of sovereignty was offered later as an analytical explanation and justification; it was never an historical reason for the origin of the principle' (1920: 56).

[6] Hobbes, for example, reasoned that the differences between people are not so significant since ultimately even the weakest has strength enough to kill the strongest. It is possible to argue that this is not true of states; that the differences among states are simply much more significant.

[7] The Vattel quote is cited in Shinoda (2000: 68) among many other works.

[8] Oppenheim says 'Whatever inequality may exist between States as regards their size, population, power, degree of civilization, wealth, and other qualities, they are nevertheless equals as International Persons' (quoted in Dickinson, 1920: 102).

[9] The Charter Preamble makes a point of asserting equal rights and duties for 'nations large and small.'

[10] This is true even of constructivists. See for example Wendt and Friedheim (1996: 248).

A fundamental problem with this logic, however, is that, while it may plausibly be argued that people are natural beings and therefore can be the subject of natural law, we cannot argue that states are natural, or biological, beings and therefore it is unclear that natural law can be applied to them.[11] In any case, as I argue below, it is logically impossible to ascertain which politically constructed actors are like kinds on the basis of anything but subjectively developed criteria. Especially in the specific case of the international system, evidence points to the social construction of criteria for determining what counts as a state and therefore a system member. Given these reservations, in the following discussion I make three points. First, which attributes are the relevant ones for deciding like kinds is not a natural question but a social one as evidenced by the variable criteria that can be, and have been, developed by great powers and institutional practices of recognition over time. Second, the equal treatment of kinds determined to be alike rests on a normative claim and not on any inherent qualities of sameness. Third, and most importantly, determining like kinds itself imposes an inequality between insiders and outsiders and this, in turn, has significant distributional consequences.

The first thing to notice about the like kinds logic is that it leaves open the ontological question it is supposed to answer: how do we determine like kinds? How is the boundary drawn in the first place? The apparently sensible nature of like kinds reasoning obscures the critical point that the equality conferred by likeness is based on an artifice of categorization. Vattel, for example, could believe without contradicting himself that all men are equal and that slaves ought to be treated differently. This is because slaves were not considered to belong to the category 'men' and so were not like kinds. By the same logic we could argue that all citizens are equal because they are all citizens, but this only raises the question: who counts as a citizen? The same is true of sovereignty. Even if the criteria have a material quality – such as property ownership or monopolization of power over a territory – what counts as an appropriate criterion is itself necessarily socially determined and historically contingent. Waltz argues that all states are like kinds and therefore equal by virtue of their functional equivalence. But among 'equivalent' states it is possible to carve out further like kinds – industrialized states, colonial states, Christian states, European states, democratic states, rogue states.[12] In fact, IR theorists regularly do so. Waltz and other neorealists, despite their emphasis on functional equivalence, take for granted that great powers are like kinds different from other kinds of sovereign states (Waltz, 1979: 72; Gilpin, 1981). This implicit hierarchy of great powers over other sovereign states is accepted by the English School as well, with their focus on the institution of great-power management (Bull, 1977) and their more recent concern with hegemons (Clark, 2009). Liberals similarly point to the importance of hegemony for

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[11] Note that, on the first point, feminist philosophers have contested the naturalness of human biology and emphasized its constructed nature. The second point, that states are social constructs, is more conventional, although note that Wendt (2004) rests his claim that states are people too on physicalist grounds.

[12] For a discussion of sovereignty and the formal inequality it created in the colonial world, see Mongia (2007). Mongia emphatically rejects the idea that sovereignty is neutral.

maintaining order, and thus implicitly distinguishing subsets of like kinds among states (Keohane, 1984). If wecan regroup like kinds in this way, then any number of material, identity

or institutional characteristics can be used to distinguish a set of actors as equivalent.

Moreover, although the like kinds argument claims to provide an objective basis for treating certain actors equally, equal treatment is not logically implied by like kinds. Instead, the argument that like kinds are equal is based on the normative claim that a certain set of cases ought to be treated alike. Vattel, for example, did not consider slaves different from men because of any natural difference. That slaves and men are not like kinds is a normative decision that they ought not to be treated equally. Similarly, the claim that independent states are equal rests on a normative judgement that they ought to be treated as equals. But we could also imagine a counter claim that some states (e.g. great powers) ought to be treated differently than other states (e.g. non-great powers). Different actors may legitimately hold different views on which cases belong together in a group, or on where the system boundary ought to be drawn. It may be possible to narrow down relevant variables and even come to a consensus on them, but, ultimately, all such judgements are subjective and contestable. Moreover, prior to the creation of the boundary there is no equal way to determine who ought to be included and excluded because there is no equal way of determining who is to participate in making this original decision.[13]

What I want to focus attention on, however, is not the constructed nature of the criteria as such, but that the construction of like kinds is ultimately a decision to treat some actors as unequal. Choosing like kinds means that discriminating criteria are deployed which exclude other possible cases. Given a universe of cases, choosing like cases necessarily means judging some cases as dissimilar and therefore not subject to inclusion. In other words, 'like cases ought to be treated alike' implies that 'different cases can be treated differently'. In an intrinsic way, then, the like kinds principle of equality is constituted out of creation of an inequality – a structural inequality between insiders and outsiders. These decisions have significant distributional consequences. When slaves are not considered to be human, their human rights need not be respected. When non-European states are not considered to be like European states, they can be excluded from the protection of international law. When non-state actors are not considered to be legitimate members of the international system, they need not be given a governance voice. Thus, the determination of like kinds is not only constructed but also politically powerful and therefore subject to strategic manipulation.

3 The strategic dynamic of system inclusion and exclusion

The kind and number of actors who belong to the international system is determined in practice through norms of diplomatic recognition (primarily as applied by great powers or institutions dominated by great

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[13] This point is related to the observation in political theory that there is no democratic way to establish the boundaries of the state. Boundaries indicate the appropriate scope of participation, but prior to the creation of that boundary there is no equal way to determine who ought to participate.

powers). The criteria for recognizing like kinds, and thus for inclusion into the international system, change significantly over time and are normative rather than material in nature.[14] A number of authors have studied how these normative criteria have changed since Westphalia, eliciting broad consensus on the basic pattern (see Wight, 1972; Gong, 1984; Barkin, 1998; Clark, 2005).[15] The scholarly emphasis has thus far been on identifying the normative criteria by which certain actors are considered to 'belong' to the international system or in showing exactly how the justificatory foundations for the organizing principle of sovereignty are socially constructed (Reus-Smit, 1999).

In contrast, here I want to turn the spotlight onto a strategic dynamic underlying all normative criteria of belonging: The application of recognition criteria is an attempt by 'insiders' to stabilize the group through selective inclusion and exclusion. It is notable that the system's recognition criteria over time are conservative, in the sense that they favour the political aims, interests and values of the dominant members of the system at any given moment. In this way the system boundary stabilizes a coherent international order that promotes the general interests of insiders. Internal coherence can be considered an interest of the group because institutional order and governance can be more easily maintained when underlying norms and interests are shared. The recognition criteria, therefore, exclude those actors that might threaten the group. In addition to excluding those who do not conform to the group, recognition has also been used to coerce conformity to the dominant norms. This happens when recognition is made conditional on outside actors changing their behaviour to comply with internal standards. We can observe these dynamics at work in the changing recognition criteria of the modern system.

At the time when the jurists were writing their treatises on sovereignty, in the seventeenth and eighteenth centuries, they were pleading for domestic control to be considered the main marker of sovereignty. But at that time domestic control could not in fact be taken for granted. Domestic control was still quite variable and true state autonomy came only with the rise of the absolutist state. Rather than reflecting an existing reality, the insistence that domestic control could be the only criterion was politically motivated. Early writers such as Hobbes and Bodin argued that authority must ultimately rest at a single apex because they were engaged in a project of resisting empire and consolidating the independence gains made by their states. For these writers, the state is still a highly fragile construction whose continued existence is 'inextricably bound up with the legitimacy of the political order itself' (Williams, 2005: 47). By presupposing the state as the only type of actor fit for sovereignty, these writers sought to naturalize the domestically consolidated state and explicitly exclude other types of actors – specifically

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[14] This can be easily seen in that not all actors that meet the material requirements of statehood (monopoly control over a defined territory) are also recognized as sovereign members of the system (e.g. Taiwan), and some actors that do not meet the material requirements are recognized as sovereign members of the system (e.g. Somalia or Kosovo).

[15] Christian Reus-Smit, in The Moral Purpose of the State (1999), identifies four societies of sovereign states: ancient Greece, Renaissance Italy, absolutist Europe, and the modern. His analysis sees the principle of sovereignty at work even before its early modern articulation. In contrast, I am concerned here only with the modern international system in which sovereignty gets its formal legal expression.

sub-state actors such as guilds or merchants and super-state actors such as the Holy Roman Empire – from this status group.

By the nineteenth century, legitimate membership was more specifically based on rulers' dynastic claims to kingdoms and territories, particularly in the form of hereditary monarchy. Barkin convincingly argues that dynastic rule – while perhaps an already well-established convention – became an explicit criterion for system inclusion at the Congress of Vienna (see Barkin, 1998).[16] This criterion, too, was politically motivated. At the Congress of Vienna decisions about state borders and system membership were clearly motivated by the desire to retain dynastic and monarchical rule in the face of the populist threat unleashed by the French Revolution and the subsequent rise of Napoleon. Preserving dynastic rule also had the effect of preserving an aristocratic ruling class and preventing the distribution of power both within and across domestic societies. Moreover, dynastic rule made it difficult for small states to remain independent and dynastic equilibrium promoted the accumulation of smaller states by larger states (see Teschke, 2003: 238).

By the beginning of the twentieth century the consequences of the French Revolution could no longer be suppressed, and by the end of World War I popular rule became the new dominant norm of membership.[17] The idea of popular rule as the legitimate criterion for membership reached its apex with President Wilson's endorsement of the 'self-determination' of peoples. Self-determination meant that every national group, bound together on the basis of a common culture, language or religion, has the right to its own independent membership in the international community. This principle guided the break-up of the European empires after World War I, especially the Austro-Hungarian Empire.

The problem with self-determination, however, is that it raised the danger of limitless claims to independence, the dissolution of many stable states and general systemic instability. Thus, the period of the League of Nations, as Mark Zacher shows, was also 'the beginning of states' formal support for the territorial integrity norm' (Zacher, 2001: 219). The territorial integrity norm privileged historic precedents of territorial contiguity over nationalist claims. Self-determination and territorial integration were principles that often came into conflict with one another, but by World War II self-determination was displaced by widespread acceptance of the territorial integrity norm (see Zacher, 2001: 236–7).[18] During decolonization this had the effect of denying self-determination to the numerous ethnic groups that made up former colonial states and instead enforced colonial borders. As Wight concludes, 'the principle which broke up both the Central Empires of Europe in 1918, and the colonial empires after

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[16] Compare Wight (1972), who claims that dynastic rule was important up to the French Revolution.
[17] Meanwhile, in the transitional period between the French Revolution and 1914, dynastic rule and popular rule fiercely competed with one another for legitimacy. The revolutions of 1848 and the unification movements in Germany and Italy in the following two decades were expressions of this growing nationalist sentiment.
[18] Zacher further argues that the territorial integrity norm became institutionalized in the mid 1970s.

1945, was invoked for a contrary effect in the successor states of the colonial empires' (Wight, 1972: 14).[19]

Since the 1990s it has become popular to argue that the norm of territorial integrity as a criterion for membership is being usurped. 'A norm that has begun to replace territorial legitimation as a defining feature of the constitution of legitimate sovereignty in international relations is the norm of human rights,' including the political rights of citizens against the state (Barkin, 1998: 246). With the end of the Cold War, Western liberal democracies were free to shape the world in their image. This new focus on human rights legitimized interventions made on the basis of 'the responsibility to protect' as well as the morally contentious interventions in Iraq in 1991 and 2003 and Kosovo in 1999. The idea that domestic institutions ought to be democratic and respect human rights became a new criterion which legitimated the inclusion of some and the exclusion of others. According to John Rawls, domestic institutions that respect human rights are a hallmark of 'well-ordered peoples'. And '[i]n this sense they specify the outer boundary of admissible domestic law of societies in good standing in a just society of peoples' (Rawls, 1993: 59).

Up until the middle of the twentieth century, it must be noted, these normative criteria for membership applied to European actors. NonEuropean actors, in addition to meeting these norms, also needed to meet the so-called 'standard of civilization'. The standard of civilization was a legal mechanism invoked primarily during European colonialism to set the criteria for the 'ascent' of non-European peoples to full recognition as members of the international system. According to nineteenth-century conventional scholarship, humankind could be distinguished into three groups: savage, barbarian and civilized peoples. These were thought to be connected by a 'natural and necessary' progression from savage to civilized (Bowden, 2002). International lawyers, such as James Lorimer, expressed the common view that the rights and privileges of international society cannot be shared with savages and barbarians. Savages and barbarians were marked by their very inability to engage in orderly society (see Lorimer, 1883). In his study of the 'standard of civilization', Gong lists the criteria a polity had to meet in order to be considered civilized and in order to be eligible for recognition (see Gong, 1984). These criteria reflect the image of the European states that set them. The first four criteria essentially describe the modern European centralized, rule-of-law state: (1) the guarantee of basic rights of life, liberty, religion and commerce; (2) the existence of an organized bureaucracy and the ability to organize its own defence; (3) the ability to adhere to international law; and (4) the fulfilment of international obligations by participation in diplomatic exchange. The fifth condition adds to these a cultural similarity to Europe: (5) conformity to the accepted norms and practices of civilized society – meaning that practices such as polygamy and slavery were unacceptable. Christian fellowship, in particular, was considered to be an important marker of civilization. Thus, the standard of civilization had the effect of keeping non-

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[19] During the Biafran War, to take just one example, the right of the Igbo people to selfdetermination came into direct conflict with the Nigerian right to territorial integrity.

European and non-Christian states out of the international system (see Alexandrowicz, 1967; Gong, 1984; Simpson, 2004: 233). In this discourse, the transition to statehood and to sovereign equality involves a gradual overcoming of the dark forces of nature (especially tribalism and paganism) and an embracing of Christian civilization and values.[20] From the nineteenth century throughout the period of the League, this gradual move towards civilization became a justification for European 'stewardship' and 'trusteeship' over colonial lands. The explicit justification being that local people were not (yet) capable of entering into equal relations with European states. The political effect, however, was the oppression and exploitation of non-European peoples.[21]

4 The distributional consequences of system exclusion

In the international system, the process of boundary drawing – that is, of determining like kinds – is not trivial because it has distributional consequences. The international system provides goods and resources to insiders, which are not accessible to outsiders. Thus, boundary drawing is an allocative move that affects the life-chances of both insiders and outsiders.[22] Because inclusion confers benefits, the criteria of recognition always have adverse consequences for the excluded. There are three basic types of goods that the international system monopolizes for insiders: specific goods, governance goods and existential goods. Most obviously, the system provides many and varied types of substantive goods – everything from peacekeeping, to loans, to disaster relief and more.[23] Beyond these specific goods, another central benefit of membership is participation in governance, or political agency. Insiders have a 'seat at the table' which outsiders do not. Access to governance authority is an essential good because it gives actors a voice in determining the nature and distribution of substantive goods provided by the group. Finally, sovereignty provides actors with an existential privilege; that is, actors recognized as sovereign are accepted by other members as having a right to exist as independent political units.[24]

Studies have shown that system exclusion does have an effect on the life-chances of political actors. The right to exist is more often violated in the case of system outsiders than in the case of insiders. 'A state that does not recognize another as a state, i.e. as a subject of international law, will not respect its territorial integrity, sovereignty, or political independence if a conflict should arise' (Hillgruber, 1998: 497). Outsiders are unprotected by the norm of non-intervention and the international law undergirding it. From a legal perspective, 'in order for it to enjoy the protection of the prohibition of the use of force

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[20] Bartelson (1995), in particular, analyses this discourse.
[21] The standard of civilization fell into disrepute after World War II and with the beginning of decolonization. By that time international lawyers were claiming that 'modern international law knows of no distinction, for the purposes of recognition, between civilized and uncivilized states' (Lauterpacht, 1947: 31).
[22] By 'life-chances' I mean to invoke Weber's reference to the ability of actors to satisfy their material and non-material needs.
[23] Many goods provided in the system are available exclusively to members, but this is not true of all goods provided by the system. Although I characterize the system as providing club goods, it does also sometimes provide public goods.
[24] This does not mean that actors not recognized as members do not have the right to exist, but that no guarantee of the right to exist has been made.

applicable in international relations, integration to a greater or lesser extent into the international community is always necessary by way of (collective) recognition' (Hillgruber, 1998: 498). David Strang argues that states which are not recognized as members of the sovereign states system are more likely to be annexed or occupied (see Strang, 1991). Assessing data on non-European political units between 1415 and 1987, he finds that a polity's survival is strongly associated with recognition of sovereign status. While recognized polities have a stable status over time, unrecognized polities 'are subordinated and colonial dependencies merge, dissolve, or are transferred between Western powers' (Strang, 1991: 154). Similarly, several scholars argue that Bosnia-Herzegovina was actually stabilized through international recognition of its sovereignty, and that without such recognition protection of its integrity would have been even more difficult (see Hillgruber, 1998: 493; Caplan, 2005). Kosovo, meanwhile, was arguably made more vulnerable to attack precisely through its non-membership status (see Caplan, 2005: 137–45). Seeking membership is therefore a way for actors who perceive themselves as a political group to actualize and protect the group's existence. Gaining system membership is a way to transform a community into a political body with international political rights.

The existential privilege of system membership is perhaps the most critical, but the absence of access to the substantive resources available to members or to governance authority can also affect life-chances. Taiwan, for example, was initially denied access to SARS aid from the World Health Organization because it is not recognized as a sovereign state (see Chien, 2003). Somaliland, to name another example, is not eligible for the same types of development aid as recognized members of the international system. More generally, decisions about system membership affect governance of the system. This is because who is on the inside and who is on the outside will largely determine the interests of the group, the substantive issues that arise, and how they are dealt with. The inclusion of former colonies into the international system as sovereign members, for example, meant that economic development became a major political issue and new solutions, such as aid and loan policies, got priority on the political agenda.

One might argue that the international system has become more inclusive over time and that, therefore, stratification has decreased and the distributional consequences are no longer as significant as they may have been historically. In fact, the international system has broadened since the end of World War II, most notably with the addition of newly independent former colonies. As I discuss in the next section, however, inclusion is no guarantee of equality. Indeed, the post-1945 system has not eliminated stratificatory differentiation, but has, in important ways, imported the historical insider/outsider distinction into the system.

5 The imperfect equality of system inclusion

Thus far I have argued that the international system imposes an inequality on outsiders by determining them to be unlike kinds. It is this sense in which stratificatory differentiation is a constitutive principle of the system. This is a significant consequence that must be taken into account but, to be fair, the

sovereign equality principle makes no claim of equality between insiders and outsiders. It does, however, claim equality among like kinds or, in this case, among system insiders.

But what does it mean to say that likes ought to be treated alike? What kind of equality is it? It is useful here to return to the logic of like kinds that underpins the original arguments for sovereign equality. Like kinds are guaranteed a basic equality by virtue of being considered alike. In other words, states are equal in that they all share 'state-ness'. J.R. Lucas (1965: 297) expresses the logic of this idea as follows: If all men are men, then all men are equally men, therefore all men are equal.

The kind of equality invoked in this line of argumentation is formal, or legal, equality.[25] By virtue of the system boundary, those actors recognized as belonging to the international system are equal in terms of their formal standing. Most fundamentally, being recognized as belonging to the group necessarily entails the right to exist. More formally, it means that like cases will be treated consistently – the equivalent of what on the domestic level is called equality before the law. Equality before the law means that like cases are treated as equals in front of judicial organs and are equally able to assert such rights as they have. According to Simpson, '[f]ormal equality encompasses the principle that in judicial settings states have equality in the vindication . . . of rights' (Simpson, 2004: 43). Suganami further clarifies that 'nothing more is meant than that [states] are all equally bound by international law, that they all have an equal obligation to obey the Law of Nations' (Suganami, 1992: 222). There must be no deviations in treatment between similar cases on the basis of whim, fear, or favour unprovided for in the rule itself. Formal equality is significant because, by conferring standing, it confirms an actor's right to be and it protects actors against arbitrary judgements. As I discussed earlier from the perspective of the excluded, this guarantee is not trivial.

Nevertheless, formal equality provides only a basic sort of guarantee to sovereign states: it amounts to saying that a rule must be applied to all the cases to which it is applicable – in short that a rule is a rule (see Westen, 1982). Neither the logic of like kinds nor the idea of equality before the law implies an equal distribution of rights or resources, and neither guarantees against stratificatory differentiation. In the first place, designating like kinds does not logically require their equal treatment. Saying that dwarfs and giants are both people is to contrast them with non-people, but it does not tell us that they are equal to one another.[26] Similarly, both people and dogs are animals, but we do not usually draw the conclusion that therefore people and dogs are equal. Lucas (1965: 297) exposes this faulty logic by replacing 'men' with 'numbers': If all numbers are numbers, then all numbers are equally numbers, therefore all numbers are equal.

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[25] I follow Simpson (2004) in using 'formal' and 'legal' equality synonymously to refer to the juridical standing of actors.

[26] This is where the reliance on natural law came in – according to natural law, people just are, as we can ascertain through our reason, equal.

There is nothing in the sameness of numbers, animals, people or states that logically requires equality. We can imagine reasons – whether we judge them to be good or bad – which justify the unequal treatment of like kinds. In the same way, equality before the law says nothing about the content of rights.[27] As Simpson puts it, '[f]ormal equality has nothing to say about the substance of these rights or the extent and scope of the rights possessed or the capacity to influence the way rights are distributed' (Simpson, 2004: 43). 'When it is said that all sovereign states are equally bound by international law, it is not meant that all sovereign states have equal international legal rights or duties' (Suganami, 1992: 225). So, although sovereign equality guarantees inclusion into the system and the concomitant standing that entails, it does not prevent the unequal distribution of resources among insiders (material inequality) or the unequal distribution of governance rights (political inequality), and therefore it does not guard against the creation of a class divide within the international system.

Indeed, the rules of the international system often do not provide for equality (see Viola et al., 2013). Empirically, the three types of goods provided by inclusion in the international system – existential, governance and substantive – are not equally distributed among members. The 'right to exist' is unequivocally part of membership (even if it is not always respected). In the international system, the right to exist has most often been formulated as the negative right of non-intervention. Early consensus interpreted the norm as protecting against all kinds of interference – including military, political and humanitarian – except in cases of self-defence. However, the meaning of non-intervention has changed over time (see Finnemore, 2003). In the last decades, the consensus has shifted to a norm of non-intervention tempered by the responsibility to protect universal human rights, which might require military and political intervention. In essence, this shift has diluted the non-intervention norm for a particular sub-set of actors, namely non-democratic and relatively weak states, underscoring a status difference between types of states.

Sovereign states also do not have equal access to the governance of the system. Despite common usage, sovereignty is no guarantee of political equality, and it is evident that the international system is marked by considerable political inequality (Zürn, 2007b).[28] Hurrell invokes the imagery of deformity to talk about this inequality: 'there is deformity in terms of who sets the rules of international society. Institutions are not, as some liberals would have us believe, neutral arenas for the solution of common problems but rather sites of power, even of dominance. The vast majority of weaker actors are increasingly "rule takers" over a whole range of issues that affect all aspects of social, economic, and political life' (Hurrell, 2003: 41–2). The different rights and duties that fall to members of the Security

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[27] Dickinson argues that Grotius is much misquoted because his readers often fail to see that his references to equality were limited to equality before the law and do not imply a belief in equality of rights. 'If all that is meant is the equal protection of the law, then of course equality was a fundamental principle of the Grotian system . . . It is another matter, however, if equality is taken to mean equality of capacity for rights. Such a principle was not an essential prerequisite to the system of Grotius' (Dickinson, 1920: 35).

[28] Of course, states can freely choose to constrain their rights by agreeing to unequal procedures. But there are plenty of examples of procedural inequality that have not been consented to and that are contested.

Council as opposed to members of the General Assembly is just one example of the institutionalization of political inequality among states. Whether it is in the IMF, the World Bank, the WTO or the NPT, voting rights and governance authority are often unequally distributed (Glenn, 2008). Moreover, those members most affected by the policies decided upon in governance institutions are also often those with the least governance authority (consider, e.g., the IMF). Members in the international system quite obviously do not have equal access to its substantive goods and resources. There are massive social and economic inequalities between states, which international institutions have not radically changed. Economic redistribution happens only on a miniscule scale through aid and loans. Aid and loans, furthermore, are not equally available to states but provided on a differentiated basis. Those institutions whose job it is to provide security only do so selectively – pursuing some security injustices while ignoring others (Binder, 2009). Similarly, at the individual level, human and social rights are only thinly protected by international institutions. Moreover, it has not been a priority of the society of states to attempt to provide material equality to members. Only in the last several decades have we seen growing concern over global inequality spur the international community to develop policies, such as the Millennium Development Goals, to promote economic growth and security in less developed states.

6 The elusive search for sovereign equality

Being recognized as a like kind or a sovereign equal is not a guarantee against stratificatory differentiation. Nevertheless, the recognition of formerly excluded actors into the sovereign states system and its institutions, albeit resulting in only a limited kind of equality, could be seen as an important step in reducing stratificatory differentiation. Certainly, the international system has become more inclusive since the end of World War II – UN membership has grown by an average of 3 new members a year since 1945 – so that exclusion via non-recognition remains an issue for only a limited number of actors.[29] There are reasons, however, to be doubtful of the mitigating effects of inclusion on stratificatory differentiation. A more inclusive system creates incentives for core insiders (i.e. the great powers) to impose new forms of hierarchy on the system. As discussed earlier, the system seeks to stabilize itself by being selective about what types of actors are recognized as belonging. The purpose of drawing the system boundary is to keep some actors out and to advance the interests of those on the inside. Selective inclusion – through recognition criteria – serves the purpose of promoting the consistency of interests and values represented within the system.

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[29] It is not clear, however, that the process of expansion is anywhere near complete. By some estimates there are thousands more groups which could make claims to selfdetermination on the basis of their national, linguistic or ethnic identity. Numerous stateless peoples, aboriginals, and cultural minorities could demand recognition of their membership in the international system. Moreover, there are non-state political organizations which have close ties to the UN, but are not recognized as members, such as the 16 unions and intergovernmental organizations that have permanent observer status. For a discussion see Gellner (1983: 43–50) and Hobsbawm (1990: chap. 6); see also Ayres (2000).

The post-1945 expansion can be said to have occurred despite insiders' concern for internal coherence. Whatever the motivations for expanding recognition,[30] the result of inclusiveness has been a diversification of economic, security and identity interests represented within the system. There is no doubt that this expansion has had benefits, but if these actors had all been given an equal voice the costs to the core states would be reflected in the difficulty of reaching consensus and the difficulty in pushing forward their agendas. One way of escaping these costs of expansion is to seek new forms of stratification and exclusion within the system, this time differentiating among insiders. A new cycle is begun where actors with the same interests attempt to exclude other (unlike) insiders from sharing in the benefits of membership. I cannot marshal systematic empirical support for this argument here, but we can consider some anecdotal evidence.

The internal stratification between core and periphery is reflected in the design of governance institutions. In the face of an expanding system, core actors design governance institutions in such a way as to exclude diversity and to distribute rights unevenly among core and periphery states. Arguably, stratification within the international system followed periods of greater inclusion. The first institutionalized stratification within the modern international system, the distinction between great and small powers, occurred at the Congress of Vienna and coincided with the first major expansion of the system. At the Congress it was settled that the system would be divided into the great powers who would manage the system through the Council of Europe, and the other sovereign members who would not have this authority (Clark, 1989; 2005). Over time, as successive waves of actors joined the system, we see more exclusive institutions emerging from the same dynamic. The United Nations, for example, was the first near-universal membership organization and a condition of its forming was that there be a formalized governance inequality in the form of the Security Council. The same logic might explain institutions such as the G-7, G-8, G-20, and the rise of regional organizations.

Another way in which core states exclude or marginalize other recognized insiders is to discursively delegitimize them. By arguing that certain actors are no longer 'like us' because they abide by alternative norms or goals, insiders can be effectively excluded or marginalized. This happens when non-compliant insiders are recategorized as distinctly 'other' through labels such as 'pariah', 'outlaw', 'recalcitrant', or 'rogue' state (Lake, 1994: 45; Simpson, 2004). The term 'rogue state' has been used recently for Iran, Iraq, Libya, Cuba and North Korea (Litwak, 2000: 53), and the 'axis of evil' is a variation of this same phenomenon. These labels signal that a member has gone wayward, that it is no longer fulfilling the collective norms and is threatening the stability of the system. The 'rogue' label, for example, seeks to put the state outside the bounds of the system on the basis of its alleged support for terrorism and/or pursuit of weapons of mass destruction (see Klare, 1995; Saunders, 2006: 23). Having one's good

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[30] The decolonization movement, for example, has been described in terms of two possible mechanisms: Strong normative principles promoted opening access to the system and/or fear that the demands for recognition were so great and so threatening to the status quo that insiders needed to allow new members in to preserve the status quo from usurpation (see Strang, 1991; Philpott, 2001; Keene, 2002).

standing called into question can be a way to justify the rescinding of certain group benefits and imposing diplomatic isolation. At its most extreme, both non- and de-recognition open the way for the (system-legitimized) use of force.[31]

7 Conclusion

As Michael Wallace has noted, in the international system 'stratification and hierarchy have received nothing like the attention paid to the corresponding phenomena at the societal level of analysis' (Wallace, 1971: 23). While across time and across paradigms IR theory has consistently asserted its belief in sovereign equality, real and formalized inequalities exist in the distribution of the system's goods. Indeed, the notion of sovereign equality overtly conceals the obvious artifice of sovereign inequality and distracts us from thinking about the stratification of the system.

I have argued that inequality and, more specifically, hierarchical stratification are endemic to the international system. First, as the international system emerges, some political actors are excluded from participating. Non-state and sub-state actors are eventually stripped of their right to legitimate membership in the international system, while nonEuropean actors remain unrecognized for most of the system's history. At the boundary, decisions of inclusion and exclusion are made on the basis of conformity with the interests of system insiders. These decisions are not trivial but have significant distributional consequences. An actor excluded from the system cannot access the benefits associated with being on the inside. Most significantly, exclusion denies sovereignty's basic protection against oppression and exploitation.

Those who are recognized as members of the international system do enjoy a limited kind of equality with other sovereign states. But this formal equality, or equality of form, does not provide a guarantee against stratificatory differentiation. Indeed, stratification within the system is reflected in the distribution of governance authority, in access to substantive goods, and in the use of discursive forms of delegitimation.

Finally, because recognition of sovereignty does confer a formal equality, one might think that expansion of the system to include more actors might alleviate stratificatory differentiation. But I have argued that the inclusion of highly diverse actors increases the incentives of core actors to pursue forms of hierarchical governance. As more actors seek formal equality, the pressure for internal differentiation increases. Ironically, then, a highly inclusive system does not eliminate the kind of stratification that once marked the boundary between system insiders and outsiders, but winds up importing it within itself.

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[31] Arguably, this is what the United States sought to do with the case of Iraq. By first labelling Iraq a rogue state, the United States called its membership into question on the basis of not complying with the collective norms against human rights abuse, autocracy and terrorism. This was followed by system-wide (UN-sponsored) calls for Iraq to comply with international norms on penalty of losing its sovereignty

In contrast to the view that the international system is best characterized by functional differentiation, the arguments made here point out that stratificatory differentiation is a constituent element of the system. This is not to say that functional or segmentary differentiation is always completely absent. The recognition of a state's sovereignty might be the beginning of a sort of functional equivalence, and there are at least some groupings of states that can be described with segmentary differentiation. More importantly, if we understand the system, as I do here, not as a primal and fixed entity but as an emergent one, then the extent to which it can best be described as functionally differentiated or stratified is likely to change over time. And as the system becomes more complex, it is also likely that some aspects of it will develop towards functional differentiation while other aspects become more highly stratified. It is useful, therefore, to consider different types of differentiation as coexisting and, possibly, interacting.

Nevertheless, if we take stratificatory differentiation as a significant element of the international system, we come face to face with important normative questions. The idea of sovereign equality has been powerful in IR because international institutions and powerful actors have invoked it to suggest the neutralization of material inequality among states. What does the persistence of stratificatory differentiation imply for the existence of justice in the international system? Equality certainly appeals to our contemporary moral sensibilities, and wherever we see inequality we tend to also see injustice. On the one hand, stratificatory differentiation may impede just treatment for peripheral states. On the other hand, in a world in which moral goods sometimes come into conflict, peripheral states might be willing to accept an international system that is kept stable by powerful actors over one that is equal. Giving serious consideration to stratificatory differentiation is one way of opening this important debate on what justice means and how to achieve it within the international system.