
Introduction

WHEN the representatives of states signed the General Agreement on Tariffs and Trade in 1947, they enacted two basic institutional practices. In signing the accord, they created contractual international law, adding a further raft of rules to the growing corpus of codified legal doctrine that regulates relations between states. And by accepting generalized, reciprocally binding constraints on their trading policies and practices, they engaged in multilateral diplomacy. By the middle of the twentieth century states had been enacting these paired institutional practices for the best part of a century, and they have since repeated them many times over, in areas ranging from nuclear nonproliferation and air traffic control to human rights and environmental protection. For almost 150 years the fundamental institutions of contractual international law and multilateralism have provided the basic institutional framework for interstate cooperation and have become the favored institutional solutions to the myriad of coordination and collaboration problems facing states in an increasingly complex world. Without these basic institutional practices the plethora of international regimes that structure international relations in diverse issue-areas would simply not exist, and modern international society would function very differently.

International relations scholars of diverse intellectual orientations have long acknowledged the importance of fundamental institutions. Hans Morgenthau attributes such institutions to “the permanent interests of states to put their normal relations upon a stable basis by providing for predictable and enforceable conduct with respect to these relations.”¹ Hedley Bull claims that fundamental institutions exist to facilitate ordered relations between states, allowing the pursuit of “elementary goals of social life.”² Robert Keohane likens basic institutional practices to the rules of chess or baseball, arguing that a change in these practices would alter the very nature of international relations.³ And Oran Young observes that international “actors face a rather limited menu of available practices among which to choose. A ‘new’ state, for example, has little choice but to join the basic institutional arrangements of the states system.”⁴

If we survey the institutional histories of modern international society and its major historical analogues, two observations can be made about

¹ Morgenthau, “Positivism, Functionalism, and International Law,” 279.

² Bull, *Anarchical Society*.

³ Keohane, *International Institutions*, 162–166.

⁴ Young, “International Regimes,” 120.

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fundamental institutions. To begin with, fundamental institutions are “generic” structural elements of international societies.⁵ That is, they provide the basic framework for cooperative interaction between states, and institutional practices transcend shifts in the balance of power and the configuration of interests, even if these practices’ density and efficacy vary. For instance, the modern institutions of contractual international law and multilateralism intensified after 1945, but postwar developments built on institutional principles first endorsed by states during the nineteenth century, and which first structured interstate cooperation long before the advent of American hegemony. Second, fundamental institutions vary from one society of sovereign states to another. The governance of modern international society rests on the institutions of contractual international law and multilateralism, but no such institutions evolved in other historical societies of states. Instead, the ancient Greek city-states developed a system of third-party arbitration, the renaissance Italian city-states practiced oratorical diplomacy, and the states of absolutist Europe created institutions of dynastic diplomacy and naturalist international law.

Since the early 1980s, the study of international institutions has experienced a renaissance, with distinctive neorealist, neoliberal, and constructivist perspectives emerging. Yet as chapter 1 explains, none of these perspectives adequately accounts for either the generic nature of fundamental institutions or institutional variations between societies of sovereign states. According to neorealists, institutions reflect the prevailing distribution of power and the interests of dominant states. But as we shall see, these are ambiguous predictors of basic institutional forms. Fundamental institutions tend to transcend shifts in the balance of power, and under the same structural conditions, states in different historical contexts have engaged in different institutional practices.⁶ Neoliberals claim that states create institutions to reduce the contractual uncertainty that inhibits cooperation under anarchy and they claim that the nature and scope of institutional cooperation reflect the strategic incentives and constraints posed by different cooperation problems.⁷ Because states can choose from a wide range of equally efficient institutional solutions, however, neoliberals are forced to introduce structural conditions, such as hegemony and bipolarity, to explain the institutional practices of particular historical periods.⁸ Like neorealism, this approach fails to explain institutional

⁵ On the generic nature of fundamental institutions, see Ruggie, *Multilateralism Matters*, 10; Bull, *Anarchical Society*, 68–73; and Wight, *Systems of States*.

⁶ See Kindleberger, *World in Depression*; Gilpin, *War and Change*; and Waltz, *Theory of International Politics*, 194–210.

⁷ See Axelrod and Keohane, “Achieving Cooperation”; Keohane, *After Hegemony*; Keohane, *International Institutions*; and Stein, *Why Nations Cooperate*.

⁸ Martin, “Rational State Choice.”

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forms that endure despite shifts in the balance of power and is contradicted by the emergence of different fundamental institutions under similar structural conditions. Constructivists argue that the foundational principle of sovereignty defines the social identity of the state, which in turn shapes basic institutional practices. Sovereign states are said to face certain practical imperatives, of which the stabilization of territorial property rights is paramount. The institution of multilateralism, they argue, evolved to serve this purpose.⁹ While this line of reasoning is suggestive, it fails to explain institutional differences between societies of *sovereign* states. The states of ancient Greece, Renaissance Italy, and absolutist Europe also faced the problem of stabilizing territorial property rights, yet they each constructed different fundamental institutions to serve this task.

This general failure to explain the nature of fundamental institutions represents a significant lacuna in our understanding of international relations. All but the most diehard neorealists recognize the importance of basic institutional practices, yet we presently lack a satisfactory explanation for why different societies of sovereign states create different fundamental institutions. Explanations that stress material structural conditions, the strategic imperatives of particular cooperation problems, and the stabilization of territorial property rights all fail to account for such variation. The social textures of different international societies—their elementary forms of social interaction—thus remain enigmatic, undermining our understanding of institutional rationality and obscuring the parameters of institutional innovation and adaptation in particular social and historical contexts.

This book sets out to explain the form that fundamental institutions take and why they vary from one society of states to another. It explores the factors that shape institutional design and action—the reasons why institutional architects consider some practices mandatory while others are rejected or never enter their thoughts. My approach is influenced by two distinct, yet complementary, perspectives on the politics and sociology of international societies. I draw on the insights of constructivist international theory, linking basic institutional practices to intersubjective beliefs about legitimate statehood and rightful state action, though in a new and novel fashion. And I explicate the relationship between state identity and fundamental institutions through a macrohistorical comparison of different societies of states, building on the work of leading members of the “English School,” particularly Martin Wight and Adda Bozeman.¹⁰ My aim is to develop a historically informed constructivist theory of fundamental institutional construction.

⁹ Ruggie, *Multilateralism Matters*, 21.

¹⁰ See Bozeman, *Politics and Culture*; Bull, *Anarchical Society*; Bull and Watson, *Expansion of International Society*; Watson, *Evolution of International Society*; and Wight, *Systems of States*.

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Like other constructivists, I explain fundamental institutions with reference to the deep constitutive metavalues that comprise the normative foundations of international society. In chapter 2, however, I argue that constructivists have so far failed to recognize the full complexity of those foundations, attaching too much explanatory weight to the organizing principle of sovereignty. If we cast our eyes beyond the standard recitations of our textbooks, and the canonical assumptions of our theories, to reflect on the actual practices of states in different historical contexts, we find that sovereignty has never been an independent, self-referential value. It has always been encased within larger complexes of metavalues, encoded within broader constitutive frameworks. To allow systematic comparisons across historical societies of states, I conceptualize these ideological complexes as *constitutional structures*. I argue that these structures can be disassembled into three normative components: a hegemonic belief about the moral purpose of the state, an organizing principle of sovereignty, and a systemic norm of procedural justice. Hegemonic beliefs about the moral purpose of the state represent the core of this normative complex, providing the justificatory foundations for the organizing principle of sovereignty and informing the norm of procedural justice. Together they form a coherent ensemble of metavalues, an ensemble that defines the terms of legitimate statehood and the broad parameters of rightful state action. Most importantly for our purposes, the prevailing norm of procedural justice shapes institutional design and action, defining institutional rationality in a distinctive way, leading states to adopt certain institutional practices and not others. Moulded by different cultural and historical circumstances, societies of sovereign states develop different constitutional structures, and it is this variation that explains their distinctive institutional practices.

Chapters 3 to 6 illustrate this argument through a comparative analysis of institutional development in four societies of sovereign states: the ancient Greek, the Renaissance Italian, the absolutist European, and the modern. All four of these systems exhibit a basic similarity—they have all been organized according to the principle of sovereignty. That is, their constituent units have claimed supreme authority within certain territorial limits, and these claims have been recognized as legitimate by their respective communities of states.¹¹ Although this organizing principle has received formal legal expression only in the modern era, the sovereignty of the state has been institutionally grounded in each of the four cases. Beyond simply declaring their independence, states have exercised socially

¹¹ Wight argues that for states to form an international society, “not only must each claim independence of any political superior for itself, but each must recognize the validity of the same claim by all the others.” Wight, *Systems of States*, 23.

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TABLE 1

Constitutional Structures and the Fundamental Institutions of International Societies

<i>Societies of States</i>	<i>Ancient Greece</i>	<i>Renaissance Italy</i>	<i>Absolutist Europe</i>	<i>Modern Society of States</i>
Constitutional Structures				
1. Moral Purpose of State	Cultivation of <i>Bios Politikos</i>	Pursuit of Civic Glory	Maintenance of Divinely Ordained Social Order	Augmentation of Individuals' Purposes and Potentialities
2. Organizing Principle of Sovereignty	Democratic Sovereignty	Patronal Sovereignty	Dynastic Sovereignty	Liberal Sovereignty
3. Systemic Norm of Procedural Justice	Discursive Justice	Ritual Justice	Authoritative Justice	Legislative Justice
Fundamental Institutions				
	Interstate Arbitration	Oratorical Diplomacy	1. Natural International Law 2. "Old Diplomacy"	1. Contractual International Law 2. Multilateralism

sanctioned "rights" to sovereignty. Because of the anarchical structures of these interstate systems—their lack of central authorities to impose order—realists have woven them into a single narrative of historical continuity, a narrative designed to prove the ubiquity of the struggle for power and the eternal rhythms of international relations. As argued above, though, significant differences distinguish these societies of states, differences illustrated in table 1. In each case, sovereignty has been justified with reference to a unique conception of the moral purpose of the state, giving it a distinctive cultural and historical meaning. What is more, these conceptions of the moral purpose of the state have generated distinctive norms of procedural justice, which have in turn produced particular sets of fundamental institutions.

For the ancient Greeks, chapter 3 explains, city-states existed for the primary purpose of cultivating a particular form of communal life—which Aristotle calls *bios politikos*, the political life. The polis was the site in which citizens, freed from material labors, could participate—through action and speech, not force and violence—in the decisions affecting their common life. This moral purpose informed a discursive norm of procedural justice, whereby cooperation problems between individuals were resolved through a process of public political discourse, centered on the adjudication of particular disputes before large public assemblies and jury courts. In this procedure, codified law played little role in the decisions of adjudicating bodies, nor was their role to inscribe generalized rules of conduct. Assemblies and courts exercised an Aristotelian "sense of jus-

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tice,” involving the highly subjective evaluation of the moral standing of the disputants, the circumstances of the case at hand, considerations of equity, and the needs of the polis. This discursive norm of procedural justice also informed the ancient Greek practice of interstate arbitration. Disputes between states—spanning the entire spectrum of cooperation problems—were adjudicated in public forums, before arbitrators charged with exercising a sense of justice and equity as well as an awareness of the particularity of each case. This system involved neither the formal codification of general, reciprocally binding laws, nor the interpretation of such laws. Norms of interstate conduct certainly evolved, but they were accretions, customs born of case-specific discourse.

The moral purpose of the Italian city-state lay in the cultivation of civic glory, or *grandezza*. As chapter 4 explains, the state existed to promote communal grandeur, to guarantee that a city “grows to greatness.” It was widely believed that the major obstacle to civic glory was internal discord and factionalism; *grandezza* was dependent on *concordia*. To ensure that the city attained greatness, the state was expected to combat factionalism by enforcing a distinctive form of *substantive* justice, involving the generous reward of virtue and the ruthless punishment of vice. In the patronage society of Renaissance Italy, the exercise of such reward and retribution was structured by a unique ritual norm of procedural justice, whereby the ritual enactment of virtue, through ceremonial rhetoric and gesture, determined individual worth and entitlement and, in turn, the distribution of social goods (and evils). It was this norm of procedural justice that informed the institutional practices that evolved between the Italian city-states, leading to the development of a distinctive form of oratorical diplomacy. Italian diplomacy has been decried for exhibiting “an abominable filigree of artifice,” but given the cultural values of the day it was an appropriate and consistent response to the anxieties of interstate relations. The system of resident ambassadors provided the apparatus for ritual communication; it enabled states to convey carefully crafted images, cultivate and consolidate relationships of friendship and enmity, and monitor the rhetorical and gestural signals and manoeuvres of others.

The Peace of Westphalia in 1648 signaled the end of feudal heteronomy and the rise of the system of sovereign states in Europe. Yet the states that emerged out of the wreck of feudalism were absolutist, not modern. As chapter 5 explains, the legitimacy of absolutist states rested on a decidedly premodern set of Christian and dynastic constitutional values. For almost two centuries after Westphalia, the preservation of a divinely ordained, rigidly hierarchical social order constituted the moral purpose of the sovereign state. To preserve this social order, God invested European monarchs with supreme authority, and an authoritative norm of procedural justice evolved: bound only by natural and divine law, monarchs ruled

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without stint, their commands constituting the sole basis of legitimate law. These metavalues shaped the institutional practices that emerged between absolutist states, informing the institutions of “old diplomacy” and “naturalist international law.” They also served as powerful impediments to the development of modern institutional forms, particularly contractual international law and multilateralism. Contrary to the argument recently advanced by John Ruggie, neither of these institutional practices played a significant role in defining and consolidating the territorial scope and extension of sovereign rights during the absolutist period.

Chapter 6 discusses the constitutional structure of modern international society, arguing that since the late eighteenth century the moral purpose of the modern state has become increasingly identified with the augmentation of individuals’ purposes and potentialities, especially in the economic realm. Once the legitimacy of the state was defined in these terms, the absolutist principle that rule formulation was the sole preserve of the monarch lost all credence. Gradually a new “legislative” norm of procedural justice took root. Rightful law was deemed to have two characteristics: it had to be authored by those subject to the law; and it had to be equally binding on all citizens, in all like cases. The previous mode of rule determination was thus supplanted by the legislative codification of formal, reciprocally binding accords. From the 1850s onward, this legislative norm of procedural justice informed the paired evolution of the two principal institutions of contemporary international society: contractual international law, and multilateralism. The principle that social rules should be authored by those subject to them came to license multilateral forms of rule determination, while the precept that rules should be equally applicable to all subjects, in all like cases, warranted the formal codification of contractual international law, to ensure the universality and reciprocity of international regulations.

This study joins a growing number of works that seek to explain aspects of international relations through reference to the constitutive power of intersubjective ideas, beliefs, and norms. It explores what Stephen Toulmin calls “horizons of expectation,”¹² the deep-seated normative and ideological assumptions that lead states to formulate their interests within certain bounds, making some actions seem mandatory and others unimaginable. Why, for instance, did the ancient Greek city-states design and operate a successful system of interstate arbitration in the absence of a body of codified interstate law, when modern states have carefully restricted the jurisdiction of their arbitral courts to the interpretation of international legal doctrine? This line of inquiry directs my attention to the most basic of all international beliefs, to hegemonic conceptions of

¹² Toulmin, *Cosmopolis*.

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the moral purpose of the state and norms of procedural justice. I consider how such beliefs constitute the state's social identity, how they shape and constrain the institutional imagination, and how they define the parameters of legitimate international political action.

The method employed in this book combines interpretation with comparative history. In adopting an interpretive approach, I explore the *justificatory frameworks* that sanction prevailing forms of political organization and repertoires of institutional action. I attempt to reconstruct the shared meanings that historical agents attach to the sovereign state—the reasons they hold for parceling power and authority into centralized, autonomous political units—and to show how these meanings structure institutional design and action between states. In sum, my aim is “to re-express the relationship between ‘intersubjective meanings’ which derive from self-interpretation and self-definition, and the social practices in which they are embedded and which they constitute.”¹³ This exercise in interpretation takes place within a “world-historical” comparison of the ancient Greek, Renaissance Italian, absolutist European, and modern societies of sovereign states.¹⁴ As noted above, these systems have all been organized according to the principle of sovereignty; their member states have all claimed supreme authority within their territories, and these claims have been deemed legitimate by the community of states. Yet differences in how sovereignty has been justified, and differences in how actors have thought legitimate states should solve their cooperation problems, have led these societies of states to evolve very different basic institutional practices. Thus, by comparing the very systems that realists invoke with mantra-like repetition to prove the universality of the much vaunted “logic of anarchy,” I can give substance to Wendt's insight that “anarchy is what states make of it.”¹⁵

Before proceeding, three caveats are needed. First, although I engage in an ambitious reconceptualization of the normative foundations of international societies, my purpose is relatively circumscribed. My aim is to explain the nature of basic institutional practices, and this has required a new conceptual and theoretical framework. As chapter 7 concludes, this framework has implications for how we think about the nature of sovereignty, the ontology of institutional rationality, and the parameters of international systems change. But beyond explaining the nature of fundamental institutions, and helping us to think more clearly about the above issues, I make no claims, especially since I believe that the value of any

¹³ Neufeld, “Interpretation,” 49.

¹⁴ “World-historical” comparisons, Charles Tilly argues, attempt “to fix the special properties of an era and to place it in the ebb and flow of human history.” Tilly, *Big Structures*, 61.

¹⁵ Wendt, “Anarchy Is What States Make of It.”

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conceptual apparatus or theoretical framework depends on the questions we ask. Second, this book is concerned with institutional *form*, not *efficacy*. The reason for this is simple: comparatively little has been written on the former subject, with the big questions of the generic nature of fundamental institutions and variations across societies of states remaining unanswered. In contrast, much has been written about institutional efficacy, with neoliberals marshaling a powerful argument that international regimes alter state behavior in a wide range of issue-areas. I begin, therefore, from the assumption that international institutions matter, and proceed on the basis that explaining the form they take in different cultural and historical contexts is necessary if we wish to develop a complete understanding of the institutional dimension of international relations. Finally, this is a book about institutional theory and comparative international history, not contemporary institutional politics. Even in the chapter on modern international society, I focus on the period between 1815 and 1945, as this was when the institutional architecture of our present system was first erected. It is also the period most deserving of further research, having attracted little attention from institutional theorists in international relations. In comparison, the post-1945 period is well-ploughed ground, with a wealth of research documenting how multilateralism and contractual international law have structured interstate cooperation across a spectrum of issues, producing an ever widening network of functional regimes.¹⁶

¹⁶ See, for example, Krasner, *International Regimes*; Keohane, *After Hegemony*; Keohane, *International Institutions*; Stein, *Why Nations Cooperate*; Ruggie, *Multilateralism Matters*; Haas, *When Knowledge is Power*; and Haas, Keohane, and Levy, *Institutions for the Earth*.