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Recognition in International Relations

Rethinking a Political Concept in a Global Context

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This edited volume was motivated by the observation that the topic of ‘recognition’ is very prominent in Political Theory/Philosophy, yet has not been acknowledged widely enough as a fundamental issue calling for dedicated attention in other (sub-)disciplines, or in interdisciplinary endeavours. Particularly with regard to international politics, phenomena of recognition, non-recognition, or misrecognition have been seriously underrated and understudied.

When we first developed the idea to address this gap within an international and interdisciplinary workshop, we were all researchers with the Cluster of Excellence ‘The Formation of Normative Orders’ at Goethe University Frankfurt. We are grateful for the financial and logistical support provided here in the preparation of the workshop, which was held in June 2012 as the first step towards the completion of this volume. Frankfurt, with its legacy of critical theory, proved most appropriate for hosting the event, given the fact that Axel Honneth’s influential social theory of recognition has diffused from here to inspire researchers in many places and disciplines. At this point, we would also like to thankfully acknowledge Oliver Kessler’s and Benjamin Herborth’s intellectual contributions to developing the basic outlines of the interdisciplinary workshop.

While we emphasize the ambiguity and the dark sides of recognition throughout this volume, there is no ambiguity whatsoever in expressing our gratitude to the following people and institutions.

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Last but not least, we are grateful to the staff of Palgrave Macmillan, and particularly to Eleanor Davey-Corrigan, for their guidance through the publication process.
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List of Abbreviations and Acronyms

ANSA      Armed Non-State Actor
BSO      Black September Organization
CD      Conference on Disarmament
CSTO      Collective Security Treaty Organization
EC      European Council
ECOWAS      Economic Community of West African States
EDF      Environmental Defense Fund
EEC      European Economic Community
ENDC      Eighteen-Nation Disarmament Committee
EU      European Union
EULEX      European Union Rule of Law Mission Kosovo
FCO      (British) Foreign and Commonwealth Office
FRG      Federal Republic of Germany
GDR      German Democratic Republic
GTD      Global Terrorism Database
ICC      International Criminal Court
ICJ      International Court of Justice
IET      Intergroup Emotions Theory
IHL      International Humanitarian Law
IMF      International Monetary Fund
IR      International Relations
NAM      Non-Aligned Movement
NATO      North-Atlantic Treaty Organization
NGO      Non-Governmental Organization
NNWS      Non-Nuclear-Weapon State(s)
NPT      Nuclear Non-Proliferation Treaty
NWS      Nuclear-Weapon State(s)
OAS      Organization of American States
OAU      Organization of African Unity
OSCE      Organization for Security and Cooperation in Europe
PISGK      Provisional Institutions of Self-Government of Kosovo
PLO      Palestinian Liberation Organization
PNC      Palestinian National Council
R2P      Responsibility to Protect
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<tr>
<th>Abbreviation</th>
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<tr>
<td>RoC</td>
<td>Republic of Cyprus</td>
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<tr>
<td>SCO</td>
<td>Shanghai Cooperation Organization</td>
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<td>TRNC</td>
<td>Turkish Republic of Northern Cyprus</td>
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<tr>
<td>UK</td>
<td>United Kingdom</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNFICYP</td>
<td>United Nations Peace Keeping Force in Cyprus</td>
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<td>UNGA</td>
<td>United Nations General Assembly</td>
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<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<td>UNMIK</td>
<td>United Nations Administration for Kosovo</td>
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<td>UNSC</td>
<td>United Nations Security Council</td>
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<td>UNSG</td>
<td>United Nations Secretary General</td>
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<td>US/USA</td>
<td>United States of America</td>
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<td>USSR</td>
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Part I

Conceptual Foundations
Introduction

‘Recognition’, or its negative counterpart, ‘misrecognition’, is relevant wherever people or their collective organizations interact – or fail to interact. Individuals and collective political actors seek recognition of certain qualities, positive characteristics, competencies, achievements, or of their status within a specific group of people, a society, a political system, or the international political realm. The addressees of this recognition-seeking behaviour vary broadly, depending on the respective situation and depending on what exactly one actor would like to see recognized by another. A child might seek recognition from her parents or from fellow children of her first colour painting; a scholar might seek recognition of her opus magnum from fellow scholars or the public. A non-governmental organization might seek recognition of its humanitarian work from governments, the UN, potential donors, or from the needy people it supports. The violent group ‘Islamic State’ might seek recognition of its self-proclaimed ‘caliphate’ from Muslim believers, Muslim leaders, or regional organizations. Even a superficial scan of the daily news shows the ubiquity of issues related to ‘recognition’ in politics and society. Yet, what a certain actor seeks recognition of and from whom, how exactly recognition comes about (or fails to come about), and how it can be ‘measured’ is not as self-evident.

Remarkably, the debate in Political Theory about struggles for recognition has focused almost exclusively on political conflicts within national
states and societies. As such, it has neglected potential claims to recognition as well as processes of granting or withholding recognition in international politics. In addition, scholars of International Relations (IR) have been slow to pick up on the debate and explore the concept’s analytical leverage for understanding international political dynamics. This is all the more surprising given that the ‘constructivist turn’ in IR occurred at around the same time as recognition debates began to flourish in Political Theory. If we consider interactions in the international sphere to be regulated and modified by similar social dynamics to those that exist within societies (Wendt, 2003), political conflicts over claiming, granting, and witholding recognition in international society (Clark, 2007; Onuf, 2013) should become a central subject of analysis.

The contributions assembled in this volume build on a strand of research in International Relations that has recently begun to tackle these issues. We argue that the cross-disciplinary transfer of recognition theory to the field of international politics warrants a more comprehensive rethink of the politics, motives, and effects of recognition than IR scholars have undertaken so far. This view is based on the following considerations.

First, political theorists have remained sceptical about the applicability of the concept to inter-state and transnational political processes (e.g. Honneth, 2012). This suggests that more discussion is needed about exactly how a social psychological theory dealing with individuals and social movements could be used to elucidate individual motives and patterns of interaction among large collectives such as states. Should this be done by way of analogy, or by modelling some sort of multi-level game between state leaders and societies? In what sense can states and non-state actors – in contrast to individuals – be said to be able to recognize others and experience recognition or misrecognition, be it in terms of formal (legal) recognition or more informal modes? Authors such as Alexander Wendt (2004) and Reinhard Wolf (2011) have dealt with the issue of methodological ‘transfer’ in detail, but the question of how to capture and ‘measure’ recognition beyond purely formal instances of, for example, legal acts of recognizing a new political entity as a full-fledged state remains a methodological challenge. Although this volume does not resolve these difficult issues, its contributors offer a number of conceivable answers to the above questions.

Second, it is striking that the application of recognition as a social science concept has remained largely unconnected to the long-standing debates in International Law and Conflict Resolution about the recognition of formal statehood (e.g. Crawford, 2006; Grant, 1999; Kelsen, 1941). The issue of the formal (non-)recognition of secessionist or
disputed territories that has fuelled international conflicts for centuries has not vanished from today’s agenda (Caspersen and Stansfield, 2011). Yet, IR scholars and international lawyers concerned with these issues have largely failed to link existing insights into the politics surrounding the formal recognition of statehood to social theoretical readings of ‘recognition struggles’. By implication, this also means that they have failed to connect them to more informal practices of recognition pertaining to the recognition of governments as ‘legitimate’, the recognition of (violent) non-state actors as negotiating partners, and the recognition of states as belonging to certain ‘status groups’ within international society. This volume seeks to establish such a ‘missing link’ by furthering a constructive engagement between approaches from law and political science to the recognition of statehood and the ‘new’ literature on social recognition in IR along shared lines of debate.

The artificial separation between these two strands of research, we argue, is related to a third issue: the tendency of IR scholars to interpret the dynamics of recognition as a specific form of ‘identity politics’ and to treat recognition as a psychological need that motivates state and non-state behaviour (Greenhill, 2008; Lindemann, 2010; Lindemann and Ringmar, 2012). This approach is partly inherited from Social Psychology and from Political Theory’s delineation of the ‘politics of recognition’ from the ‘politics of (material) redistribution’ (Fraser, 2000; Fraser and Honneth, 2003). At the same time, it is also a function of disciplinary divides within IR: apart from the issue of recognized statehood, recognition dynamics in IR have been studied mostly by scholars who subscribe to a – moderate or radical – ‘constructivist’ ontology, implicitly suggesting that recognition is somehow antithetical to the notions of instrumental rationality and material interest.

We argue that this is an overly narrow and oversimplified reading of the concept of recognition, as it only captures part of the dynamics of formal and informal recognition in international politics. Recognition needs may sometimes clash with material interests, but (mis)recognition can also entail manifest material costs and benefits. Recognition theorists such as Nancy Fraser (1996) concede this point, stressing the limitations of a purely ‘culturalist’ position that overlooks the ‘interpenetration’ of cultural and economic spheres of life (p. 44). Furthermore, individuals may well raise recognition claims strategically in view of expected material and immaterial gains. Lastly, as recognition theorists have argued, recognition is not only an individual experience but also a collective social practice (Fraser, 1996, pp. 25–7; Fraser and Honneth, 2003, p. 29). Consequently, studies of recognition struggles in global politics need to go beyond
analyses of individual psychological needs to understand the interactive social processes through which (and the conditions under which) formal and informal recognition is granted to or withheld from states and other collectives in international society. To capture both sides of this interactive process, this volume combines actor-centric and identity-focused perspectives on global recognition struggles with studies highlighting the instrumental dimension of recognition politics and more structuralist analyses of collective practices of recognition.\(^3\)

A fourth problem is that IR studies have neglected the ambiguity of recognition in political practice. Many political theorists, as well as IR scholars who work with the concept, widely agree on the emancipatory potential of recognition, and that the denial of recognition often causes social conflict. However, recognition (in international as well as intra-state politics) may also have normatively undesirable consequences and lead to paradoxes.\(^4\) Recognition in itself does not always produce benevolent results, and it can backfire in terms of producing counterproductive precedents and new modes of exclusion in intra- and inter-state politics, as we will discuss in more detail in section ‘shades of recognition: analytical and normative complexity’ below. Jens Bartelson (2013, pp. 124–5) has recently accentuated a similar point and summarized aptly: ‘[...] when seen from within the international system, recognition appears to be both poison and antidote’.

In the remainder of this chapter, we briefly – and selectively – outline various alternative approaches to recognition in Political Theory, International Law, and International Relations in order to highlight key insights and gaps in the existing literature and position the volume in relation to the ‘state of the art’. In the following section, we identify several critical lines of debate in the existing literature and relate the individual contributions of this volume to these contested questions. In the final section, we discuss in more detail the innovative overall contribution made by this volume and outline our shared understanding of recognition as a gradual process with ambiguous effects.

The pervasive significance of recognition for individual and collective actors

The politics of recognition in the domestic realm:
Political Theory/Social Philosophy

Reflection on the various manifestations of ‘identity politics’ and ‘struggles for recognition’ by minorities and social movements in multi-cultural societies (e.g. Fraser, 1997; Fraser and Honneth, 2003; Taylor, 1992;
2001) has led modern social theories of recognition to emphasize the paramount significance of recognition in both social and political relations (Benhabib, 2002, pp. 49–81; Young, 2000, pp. 81–120). Drawing on Hegelian ideas as well as on modern evolutionary psychology, recognition theorists conceive of recognition by other individuals or by society as a vital human need. It is only when an individual is appreciated for having certain qualities (and as such enjoys social esteem) that he or she will be able to develop self-esteem as well as an ‘intact’ personal identity (Taylor, 2001, pp. 26–37). With regard to society, recognition operates as a mechanism that constitutes a normative status (of equals) and allots rights and duties within a society (Fraser, 2000; Honneth, 1995; 2010). Accordingly, acts of misrecognition constitute acts of injustice in that they violate personal integrity and impede people from becoming full members of a social collective. Experiences of misrecognition can provoke strong, even violent responses on the part of affected individuals.

Critical theorists such as Fraser and Axel Honneth link the concept of ‘recognition’ to encompassing concepts of justice that are spelled out in their normative critique of social and political subordination in modern capitalist societies and that concern all spheres within a society. While many struggles over political recognition have focused on identity issues, Fraser has rightly criticized such a narrow conceptualization as displacing the important issue of material redistribution and leading to a reification of group identities:

Both problems – displacement and reification – are extremely serious: insofar as the politics of recognition displaces the politics of redistribution, it may actually promote economic inequality; insofar as it reifies group identities, it risks sanctioning violations of human rights and freezing the very antagonisms it purports to mediate. (2000, p. 107)

We cannot account for these long-standing, extensive, differentiated, and stimulating debates in Political Theory/Philosophy in this brief introduction. The recent volume by Shane O’Neill and Nicholas Smith (2012) demonstrates once again that these theoretical debates are not only worth continuing but that empirical applications enrich our understanding of social conflicts in many aspects, since phenomena of misrecognition pervade all spheres of – domestic and international – society.

In social theory, recognition has often been associated with the goals of (new) social movements organized around class, gender, sexuality,
ethnicity, religion, or language, and with positive normative concepts such as emancipation, justice, equality, and dignity. This positive normative connotation has been reproduced in many applications of recognition theory, although not in all (Smith, 2012). This is also the case with studies of international recognition politics, which highlight the potential of recognition struggles to transcend national boundaries and security dilemmas and contribute to the collapse of oppressive international hierarchies (e.g. Reus-Smit, 2011; Wendt, 2003).

The term ‘recognition’ is part of a semantic field that is shaped by other positive terms such as respect, love, care, (self-)esteem, status, prestige, or honour, and it suggests a certain reciprocity and a positive evaluation. While the positive effects that recognition often has in everyday life and in political practice should certainly be acknowledged, ‘recognition’ is an ambiguous concept in politics that requires far more empirical research. This is not to say that there is a complete lack of empirical research on (mis)recognition in the social sciences. The debates in Political Theory have inspired a number of empirical studies in Sociology, and the contributions in O’Neill and Smith (2012) explicitly aim to carve out such a distinct research programme (Smith, 2012, pp. 5–7) and partly also consider the potential downsides of recognition politics and policies.

Several strands of critical theory have a distinct record of highlighting the ‘dark sides’ of recognition: poststructuralist and postcolonial theorizing has criticized modes of domination, and the dynamics of processes of inclusion/exclusion generated by recognition politics. The recognition of a social group by the dominant, hegemonic culture of a society can also imply its ‘assimilation’ and conformism with ruling ideologies, as authors such as Franz Fanon, Louis Althusser, and Jean-Paul Sartre have argued. The result can be a misconstruing of the self or a reification of a fixed and putative identity, instead of liberation or progress. Hence, recognition is also a technology of social differentiation that establishes layers of legitimacy and social hierarchies. With reference to theorists such as Michel Foucault and Fanon, as well as more recent authors such as Iris Marion Young and Andrew Schaap, the following review of the ‘paradoxes of recognition’ aptly summarizes their achievements in highlighting the ‘dark sides’ of recognition:

The crucial point of these authors is to draw attention to the contingency of struggles for recognition [...] This contingency should draw our attention to a missing link in conceptual and normative terms, in particular to the necessity to specify the conditions of an
emancipatory course of struggles for recognition, or ex negativo: to specify the conditions of the impossibility of struggles for recognition leading to either self-negation and self-condemnation..., to reciprocal exclusivity..., to repressive authenticity..., to colonial forms of cultural appropriation..., or to immobilisation of social relations and inside-outside distinctions. (Hitzel-Cassagnes and Schmalz-Bruns, 2009, pp. 16–17)

One excellent theoretical contribution in this regard is Patchen Markell’s monograph Bound by Recognition (2003), which adopts an approach that explores ‘how recognition becomes a medium of injustice’ (p. 2). As Markell argues, there is ‘the possibility that even affirmative images of others could be consistent with, or serve as vehicles of, injustice’ (p. 5).

The politics of recognition in the international realm:

International Law and International Relations

Although the social dynamics of ‘(mis)recognition’ have been a central topic in Political Theory and Social Philosophy for more than two decades, they remain a surprisingly neglected field of study in the broader realm of international politics. A number of authors have recently pointed out this strange gap in IR research (Dimitrova, 2013; Onuf, 2013; Ringmar, 2012; Wolf, 2011). However, formal modes of recognition/diplomacy have traditionally been a significant topic of state-centred IR and, of course, a well-known topos in traditional International Law. In these research traditions, the idea of recognition was reduced to something that states do or have the legal claim to do. Instead of problematizing and historicizing processes of recognition, scholars in IR either conceived of states as naturalized entities that were simply present in different forms and guises, or focused on the classical criteria of defined territory, permanent population, effective government, and the ability to enter into relations with other states (Menon, 1989, p. 171). In other words, they focused on material factors that lend themselves to operationalization as variables in the context of positivist theorizing.

A number of scholars recently problematized this unfortunate state of affairs in a symposium on ‘The politics of recognition’, published in International Theory (Agné et al., 2013). This symposium largely focuses on the conceptual clarification of the notoriously ‘fuzzy’ concept of recognition and on a critical discussion of inter-state recognition and international order. It voices aspirations for inter-disciplinary dialogue that are similar to those that motivated our volume. The symposium critically discusses the declaratory and constitutive theories that are
predominant in International Law. The point at which a new sovereign ‘state’ comes into being as a subject of international law is defined by the ‘declaratory’ doctrine as the point at which a state declares its possession of certain features such as a unified territory and people and effective government. In the ‘constitutive’ doctrine, this point is said to have been reached when a state is recognized by other states that belong to the international community.\(^8\) These notions have produced intense debate in International Law, but the highly political motives and social effects of such patterns of state (non-)recognition are beyond such approaches.\(^9\) The contributors to the symposium thus rightly advocate a debate between scholars in International Law and International Political Sociology. The symposium once again highlights the complexity and contingency of the political processes associated with the (non-)recognition of political entities and that the international societal context behind (non-)recognition has changed considerably over the centuries (Fabry, 2010; Ker-Lindsay, 2012).

If we only take the broader European continent (including the territories of the former Soviet Union) as an example, a remarkable number of disputed territories, ‘quasi-states’, or unrecognized states have constituted intractable conflicts for years or even decades.\(^10\) Cases such as Northern Cyprus, Kosovo, Nagorno-Karabakh, Abkhazia, South Ossetia, and Transnistria concern not only scholars in International Law but also those studying Conflict Resolution. The recent cases of Kosovo (2008) and of the Crimean Peninsula (2014) clearly demonstrate the changed international setting of such conflicts, as it is not only an issue for individual states whether to recognize such territories (Kolsto, 2006) but increasingly also for international and regional organizations such as the UN and the European Union (EU) (Grant, 1999, pp. 149–211; Ker-Lindsay, 2012, pp. 130–56). In their contributions to this volume, Stefan Oeter and Georgios Kolliarakis deploy an International Law and a Conflict Resolution perspective, respectively, to critically assess state practices towards secessionist territories that claim a right to self-determination. With the rise of the principle of the ‘responsibility to protect’, territorial integrity no longer seems to be the single guiding value in the state system when it comes to diplomatic or military intervention.

Importantly, the political and social dynamics of different conflicts cannot be regarded independently from each other, since political actors often refer to earlier cases to warn about the consequences of recognition or to invoke a (putative) precedent. In her contribution to this volume, Alyson Bailes provides revealing insights into such political struggles about issues of (non-)recognition from her own experience as a British
diplomat, taken from her involvement with the sensitive decision (not) to recognize the German Democratic Republic during the Cold War and from more recent cases. That being not recognized can also have certain useful functions and advantages is discussed by Rebecca Richards and Robert Smith in their contribution on the cases of Somaliland and Kurdistan. However, political controversies do not only revolve around the recognition of states as legal entities but also around the perceived legitimacy of their governments, as Bailes indicates. Brad Roth’s contribution scrutinizes the legal implications and political pitfalls of internationally recognizing contested governments in recent cases such as Honduras, Côte d’Ivoire, and Libya.

Despite the generally positive associations of extending ‘recognition’ to an actor or an entity, several contributions in this volume turn to less favourable effects such as the inflation of recognition claims, and the non-intended setting of political and legal precedents. The overarching game of sovereignty as a status pedigree and as a practical resource follows uneven patterns across actors. In this game, both formal channels (international laws and regulations) and informal channels (politics behind the scene) play a role in the respective outcome.

While Political Theory/Social Philosophy and International Law have dealt with recognition issues for a long time, albeit from completely different angles, scholars in IR have been rather hesitant to take up such issues beyond purely formal modes of state recognition. However, with the advent of new actors in world politics, which range from transnational civil non-governmental organizations (Heins, 2008) to terrorists and other violent groups (see the contributions in this volume by Janusz Biene and Christopher Daase and by Carolin Goerzig and Claudia Hofmann), a quasi-naturalized view of the state is no longer sustainable. This highlights the importance of struggles for recognition between different types of actors in world politics (Kessler and Herborth, 2013, p. 156). Volker Heins, in his contribution to this volume, applies a recognition theoretical approach to transnational NGOs in order to critically assess this ‘rise of the unelected’ in global politics and the contrasting claims about their legitimacy.

Hence, the recent turn to recognition is related to broader debates in IR. Given the long-standing relative dominance of rationalist approaches in IR (in particular in the United States), social practices and narratives of recognition have only more recently attracted stronger attention in IR in the wake of the ‘constructivist turn’ and the ‘practice turn’. Erik Ringmar (1996; 2002) and Wendt (1999; 2003) were among those IR scholars who turned scholarly attention to this important topic many
years ago. Given the central role of norms, culture, and identity within social constructivist thinking and research, it seems to be a logical corollary to include the interactionist perspective of mutual or asymmetric recognition and misrecognition within our analytical frameworks.

In general, the enhanced diversity of theory building in IR since the 1990s (e.g. Dunne et al., 2013) has created a conducive intellectual environment for placing a stronger focus on recognition issues. Poststructuralist theorizing in IR is strongly concerned with the analysis of phenomena of domination in international identity formation and othering processes, highlighting the potentially violent dynamics of community building through inclusion/exclusion (e.g. Behnke, 2012; Campbell, 1992; Williams, 2001). Finally, the enhanced prominence of Frankfurt School critical theory in IR since the 1990s, which focused primarily on works by Jürgen Habermas, paved the way for the ‘discovery’ of the recognition-centred studies by Honneth, a member of the younger generation of the Frankfurt School. ‘Indeed, given the perceived difficulties in “applying” Habermas, there appears to be an emerging trend to end the honeymoon with Habermas in favour of a reorientation toward Honneth’ (Haacke, 2005, p. 181). However, with the benefit of hindsight, this prediction has proved to be premature. Neither the upsurge in Frankfurt School theorizing nor the efforts of poststructuralists nor the establishment of social constructivism within mainstream IR has resulted in the constitution of a major research field on recognition in International Relations.

Recent research on recognition in International Relations has largely focused on identity issues. The formation of a state’s collective identity is a permanent and dynamic process that is shaped by domestic actors and discourses, as well as by international structures and ‘significant others’. In her contribution to this volume, Michelle Murray spells out in more detail such processes of collective identity formation, in other words the self-understandings and self-images of certain communities. These processes are negotiated and established in diverse interactions, and encompass discourses and practices on different political and societal levels. Similar to the formation of individual personal identity, social constructivist IR assumes that the formation of a state’s collective identity is dependent on recognition by others, and that it is also marked by experiences of insecurity. In his contribution to this volume, Erik Ringmar introduces the idea of different ‘recognition regimes’ (the terms under which states are granted recognition in a certain international environment), and uses these categories to retell the history of China’s place in the world.
One of the main questions in recognition-related IR studies is thus whether and how the misrecognition of states or other collective actors promotes violent conflict and, vice versa, whether and how recognition fosters peaceful relations. Desires for recognition can take different shapes. Wendt (2003, pp. 511–12) has introduced the notion of ‘thin’ and ‘thick’ recognition that has been developed further by Pierre Allan and Alexis Keller (2012) and by Lisa Strömbom (2013; 2014), in both cases with regard to the Israeli-Palestinian conflict. ‘Thin’ recognition between conflicting parties refers to recognition of each other ‘as agents, as autonomous “entities” [that have] the right to exist and continu[e] to exist as an autonomous agent’ (Allan and Keller, 2012, p. 76). ‘Thick’ recognition requires much more than accepting the Other as an autonomous agent and negotiating partner. It means that ‘each party needs to understand the Other in terms of essential elements composing its identity’ (Allan and Keller, 2012, p. 77). The quest for a stable and just peace, it is argued, requires ‘thick’ recognition between the conflicting parties, including an understanding of one’s own identity. Not only with regard to the intractable conflict between Israel and Palestine, it is evident that this is a demanding challenge for most parties involved in violent conflicts and requires the long-term transformation of narratives, rules, and institutions by the actors involved.

From an overarching teleological perspective on the historical evolution of the international state system, Wendt (2003) argues that struggles for recognition contribute to the development of common identities and will ultimately lead to the emergence of a World State. However, scholars such as Brian Greenhill (2008) have questioned this integrative effect. The persistence of processes of ‘othering’, of constituting in-group and out-group relations, seems to be a fundamental feature of inter-state relations.

According to Richard Ned Lebow (2008), the struggle for standing and prestige of (putatively) ‘inferior’ powers or of ‘rising’ powers in the regional or international system of states is a permanent feature of international politics and one of the causes of war. If the pursuits of self-esteem, honour, or recognition are human needs, then such motives will not be absent from inter-state relations that are enacted by human beings. Lebow (2008) investigates such dynamics within the state system in more detail. The chapters by Sven-Erik Fikenscher, Lena Jaschob, and Reinhard Wolf and by Murray in this volume pursue a similar line of argument: they investigate the discourses and practices of the German Empire before the First World War and of India since its independence, but without resorting to the claim that war is inevitable within great
power rivalries. The chapter by Caroline Fehl, which analyses the rather surprising stability of the nuclear non-proliferation regime, makes clear that even such a stark differentiation of power relations as between nuclear ‘haves’ and ‘have-nots’ can lead to enduring state cooperation.

Thomas Lindemann (2010) has examined misrecognition as a cause of war in his detailed empirical study. The claim for ‘hubristic identities’ (i.e. superiority), the denial of equality, and the associated misrecognition of justified demands for recognition by other powers, Lindemann argues, are underestimated causes of violent conflict. As a consequence, he favours a politics of recognition that aims to prevent war by recognizing the identity of others (Lindemann, 2010, pp. 85–101). Wolf (2011) makes a similar point. Social respect, he argues, is an important goal in international politics, and the non-recognition of social status can lead to serious conflict and even war.

The volume The International Politics of Recognition, edited by Lindemann and Ringmar (2012), also focuses largely on identity-related issues and their influence on the escalation of violent conflicts. The volume assembles contributions from Political Science, Sociology, and Philosophy, thus opening up a rich inter-disciplinary perspective on the role of symbolic and putatively ‘soft’ factors underlying human interactions and on the narratives that provide ‘evidence’ of the salience of such factors.12 That this is not an easy task is a familiar challenge to IR social constructivists, but numerous approaches and tools have been developed over the years to analyse such factors in empirical cases. Somewhat in contrast, social philosopher Honneth, who is one of the reference authors for recognition studies in IR, expresses scepticism towards the empirical ‘application’ of recognition struggles to the international realm. According to him, the political imperatives and self-interests of state actors render it difficult to speak of the psychological ‘needs’ of states:

Therefore, we cannot simply transfer the concept of recognition and claim that wherever collective identities exist, there must also be a struggle for recognition. [...] The psychological concepts we use when we speak of ‘strivings’, ‘needs’, and ‘feelings’ are thus inappropriate for describing international relations. State actors do not have mental attitudes but are authorities charged with carrying out politically determined tasks. (Honneth, 2012, p. 28)

Mattias Iser, in his contribution to this volume, discusses this ‘transfer issue’ of conceptual categories of social theory in more depth and
advocates a normative understanding of recognition beyond a psychological one. While identity is an important issue when it comes to recognition, it is still an open question as to how it relates to material issues and demands for power. As Lindemann (2012, p. 221) stresses, ‘the quest for recognition is often quite strategic and reputation is a resource in the struggle for power’. This volume builds on the insights provided by Lindemann and Ringmar (2012), but seeks to move beyond a largely identity-focused approach to recognition studies by also including studies with rationalist underpinnings. The contributions by Biene and Daase on the gradual recognition of the Palestinian Liberation Organization (PLO) (Fatah faction) during the Israeli-Palestinian conflict and by Fehl on the Non-Proliferation Treaty (NPT) focus in part on such rationalist motives.

**Shades of recognition: analytical and normative complexity**

This edited volume assembles scholars from Political Theory, International Law, and International Relations. As editors, we hope to stimulate debate among these disciplines and encourage further empirical investigations, but we have not suggested one shared definition of ‘recognition’ or attempted to impose a one-size-fits-all approach to the volume as such. Instead, we have invited authors to explain their respective understandings of the concept and to position their approaches in relation to the dominant lines of debate identified above. Indeed, the contributions in this volume offer various alternative views on key points of contention, for instance, on the question of why and how a concept originally developed with regard to individuals can be applied to collective entities, or on the question of how recognition relates to psychological processes of identity formation on the one hand and rational instrumental action on the other. Iser, Fehl, and Richards and Smith provide different answers to the first question. Regarding the second question, the identity-centred accounts of Ringmar, Murray, Fikenscher et al. and Richards and Smith contrast with discussions of strategic recognition-seeking, -granting, and -denying in the chapters by Fehl, Oeter, and Biene and Daase.

Despite these differences, all contributions share two basic assumptions: the understanding that recognition is a ‘gradual’ process, and the notion that international dynamics of recognition have deeply ambiguous political consequences. In the following section, we explain these ‘shades of recognition’ in greater detail.
Recognition as a gradual process

The contributors to this volume share the notion that recognition should be conceived of as a gradual process. Recognition and non-recognition are not clear-cut alternatives, but occur in complex and entangled forms and constitute two poles on a long continuum of policies and outcomes. This continuum runs from highly formalized to extremely informal modes of recognition, and from the recognition of non-state actors and other political collectives as legitimate negotiating partners to the recognition of entities as sovereign states and as states with specific entitlements. This notion of gradual recognition implies that recognition is not only granted or withheld between actors of equal status but also within asymmetric power relations: kings recognize dukes, parliaments recognize presidents, states recognize minorities – and sometimes they refuse to do so. In the realm of international politics, such asymmetric recognition relations can be found among states with unequal material power, between established and non-recognized states, and between states and non-state actors.

Furthermore, understanding recognition as a gradual process forces us to differentiate between legality and legitimacy, for instance, to acknowledge the difference between formally/legally recognizing a state and recognizing a government, or an ethnic segment of the population, as legitimate bearers of political claims. It has become a tricky task for political theorists, international lawyers, and experts in Conflict Resolution to cope successfully with the grey areas between legality and legitimacy. Legality and legitimacy are not always co-extensive categories (e.g. Popovski and Turner, 2012). What is legal may be considered illegitimate, whereas what is held to be legitimate may struggle to overcome illegality and gain formal/legal recognition. It is exactly in these fluid areas between legality and legitimacy where more focused attention is desirable within the variety of disciplines represented in this volume.

An additional corollary of the bridge-building effort between several disciplines is that we have to relax an implicit assumption in much of existing IR work on the dynamics of social recognition in global politics, namely, that the study of recognition is mainly concerned with the motivations of individual political actors. In our understanding, recognition is an interactive social process that must be studied both through the lens of actors demanding recognition and at the level of inter-state (or transnational) discourses and practices through which recognition is granted in different forms and degrees. Actor-centred and systemic
analytical perspectives are needed to gain a full picture of global recognition struggles.

The continuum of recognition depicted above is reflected, firstly, in the structure of the volume. Its different parts zoom in on (1) the informal recognition of status claims, rights, and entitlements among established states, (2) the formal recognition of statehood, and (3) informal recognition dynamics involving non-state actors. Secondly, gradations of recognition within each of these three broad categories are discussed in the volume’s individual chapters. For instance, Fehl points out the multidimensionality of recognition claims – pertaining to substantive and procedural rights, as well as to the recognition of national individuality – in her study of the NPT. Dealing with the recognition claims of newly independent entities, Richards and Smith highlight the benefits that these entities can draw from informal modes of recognition below the level of formally recognized statehood. From an International Law perspective, Roth and Oeter describe a recent shift towards a revival of the constitutive theory of recognition, which links indicators of government legitimacy to the criteria for the legal recognition of states. With respect to the informal recognition of violent non-state actors, Biene and Daase distinguish four ascending grades of recognition, arguing that advances towards a higher degree of recognition have repeatedly allowed Fatah to gradually embrace less violent forms of resistance.

Finally, the proposal that actor-centred and structural perspectives need to be integrated to arrive at a full understanding of recognition as interactive social process is taken up both in individual chapters and in the structure of the volume as a whole. Whereas, for instance, Murray, Fikenscher et al., and Richards and Smith provide detailed analyses of the recognition needs of individual states (and almost-states), the chapters by Ringmar, Roth, Oeter, and Kolliarakis adopt a structuralist view of recognition as a collective practice or ‘regime’. Analyses such as those of Fehl or Biene and Daase are situated in-between, combining reflections on individual recognition needs with analyses of the collective processes that respond (or fail to respond) to those needs.

While this volume begins to flesh out the notion of recognition as a gradual process, the ‘shades’ and gradations outlined above and their changes over time require further case study analyses. Such studies need to focus on the various types of recognition that shape a specific political case. With regard to the evolution of the international system, which is marked by a high degree of inequality, Bartelson (2013) distinguishes among three concepts of recognition drawn from a broad spectrum of literature: political, legal, and moral recognition. These are partly linked
to each other, but can also be examined from distinct analytical angles. Whether these concepts can be fully transferred to non-state actors is not discussed by Bartelson, but this point also requires further exploration. Political recognition thus ‘concerns what counts as a relevant actor, and how these actors acquire their status or standing in the international system by virtue of being recognized by other similar actors’ (Bartelson, 2013, p. 111). Legal recognition implies ‘what it takes for a given state to qualify as a member of international society, since being recognized in such terms means being accepted as a member on the basis of sufficiently precise and widely shared criteria of statehood’ (p. 114, emphasis in original). Theories of moral recognition go beyond the assumption that states should have equal rights and obligations, questioning their ‘equal moral worth’; this takes us close to the above-mentioned notion of the ‘thick recognition’ of other actors’ social and cultural identities (pp. 117–18).

The ‘dark sides’ of recognition

Bartelson’s review and critique are very valuable in our view, as he shares our perception of a fundamental ambiguity of processes of recognition that have, for example, often led to the exclusion of members of international society instead of the broad inclusion that the moral promise of ‘recognition’ tends to signal. This leads us to the second common baseline of the volume, the assumption that recognition in international politics has certain ‘dark sides’. The extensive debates on ‘struggles for recognition’ (e.g. Honneth, 1995) in contemporary Western Political Theory and Political Philosophy have sometimes created the impression that ‘recognition’ is a remedy for many societal ills and that this concept is quasi naturally linked to the concept of ‘justice’. With regard to domestic and international politics, the issue of misrecognition and non-recognition as a cause and driver of violent conflicts is certainly highly relevant, but it would be illusionary to expect formal or informal, intended or unintended ‘recognition’ to act as a panacea for violent conflicts or to create more stability within social relations.

Not only is the process of gaining recognition necessarily conflictual and often violent, as Honneth (1995) and others have highlighted. Even if such struggles are successful and recognition is granted as a result, the effect on societal relations is not necessarily only integrative and pacifying. This relates to a crucial point that some theories of recognition stress: the inevitability of exclusion and the limits of inclusion. It is a contentious issue whether and on what grounds communities should set limits to their membership. Charles Taylor differentiates two kinds
of recognition: first the politics of equal dignity and second the politics of difference (2001). While the first is associated with cosmopolitanism and favours broad inclusion, the second is associated with communitarianism and defends certain exclusionary practices. Even liberals have to admit that there are limits to inclusion and that those who are not willing to be included have to be excluded. Habermas was, for instance, criticized ‘for neither explicitly acknowledging the inevitability of exclusion nor confronting the problems raised thereby’ (Cooke, 1997, p. 259). Thus, recognition in international relations can never be all-inclusive and unconditional. Rather, the inclusion of some actors or practices is related to the exclusion of other actors or practices. This is what social differentiation means: the institutionalization of equality and difference, that is, the institutionalization of conflict.

The contributions to this volume provide manifold examples of the ambiguous role that recognition plays in engendering social integration but also social inequality and conflict. From a normative perspective, the question of which claims for recognition can be justified as ‘worthy’ remains a matter of controversy, since not all claims for recognition – such as group rights or cultural peculiarities – seem to ‘deserve’ recognition (Iser, 2008, p. 197). In their contributions to the volume, Iser and Heins discuss the possibility of such ‘pathological’ or ‘undeserving’ recognition-seeking on the part of states aspiring to ‘great power’ status and on the part of NGOs claiming to represent misrecognized and oppressed subjects. Empirically, the criteria for the (il)legitimacy of claims and struggles have differed across societies and have changed throughout history, also in terms of their normative content – an observation that Ringmar’s contribution captures in the notion of ‘recognition regimes’.

With regard to political practice, ambiguities can also take the shape of undesirable unintended effects that have been neglected by recognition studies but that many of the volume’s chapters address in detail. In particular, conflicts over secessionist states and disputed territories provide many examples of such effects. While recognition of statehood is undeniably a salient means for regulating conflict in the international realm, it has often misfired and delivered counterproductive outcomes in the context of international efforts towards conflict resolution. Oeter holds that while there are good theoretical arguments for a remedial right of recession and for a move towards a more constitutive approach to state recognition, such a shift in recognition practices can have many negative effects if it is not part of a collective process. That such a unified collective approach will be hard to obtain in practice is suggested by
Kolliarakis’ analysis of ‘second order conflicts’ among states about the recognition rules applicable to the resolution of secessionist conflicts. Similarly, Roth warns against the ambiguities of recognizing governments based on principles of constitutionality and democracy; in some cases, this approach has paved the way for questionable interventions in the sovereign affairs of states that were not even backed by a majority of the local population. Finally, even legal recognition that is granted in line with a more conservative, declaratory approach can have negative effects that outweigh its benefits for the state-like entities in question, as Richards and Smith demonstrate for the cases of Somaliland and Kurdistan.

That acts of granting or withholding recognition can have ambiguous effects is also discernible in more informal recognition practices that pertain to the recognition of (violent) non-state actors as negotiating partners and the recognition of established states’ social status positions and entitlements. With regard to the first issue, a critical question is whether a government should negotiate with violent groups it (or international organizations) has labelled ‘terrorists’ – negotiating, whether secretly or publicly, also implies recognizing and legitimating a certain actor (e.g. Cronin, 2011, pp. 35–72; Toros, 2012). The consequences of this practice may have tremendous and complex effects that cannot be anticipated by the actors involved. Biene and Daase’s analysis of Fatah’s anti-Israeli struggle suggests that acts of recognition can encourage a violent actor to distance itself from violent practices under certain conditions but not others. Equally with reference to the Middle East conflict, Goerzig and Hofmann point to the dilemma in which Israel and the Palestinians find themselves when weighing different recognition options: while the recognition of Israel by the Palestinian side is impossible without intra-Palestinian unity, the recognition of the Palestinians by Israel cannot occur when Fatah and Hamas unify – thus, active and passive recognition (by and of the Palestinians) are mutually obstructive. Focusing on informal recognition dynamics among established states in the negotiations about the NPT, Fehl argues that even successful struggles for the recognition of procedural equality and individual national achievements can end up legitimizing and stabilizing an overall unequal order in which a substantive right (to the possession of nuclear weapons) is denied to a large group of states.

Beyond the examples discussed in the volume, further unintended and/or undesirable effects of evolving collective recognition practices in the international system are worth exploring. Thus far, neither scholars nor policy analysts working out ‘best practices’ seem
to systematically differentiate between the outcomes of certain interventions (be they of a diplomatic or military nature) that directly or indirectly recognize actors as legitimate/legal parties in a conflict, and their impacts in a wider temporal and geographical horizon. There is always a signalling dimension to these kinds of ‘recognizing’ actions. That is, the message that is conveyed to other actors in other parts of the world often unfolds a bandwagoning dynamic. The proliferation of bottom-up protests and independence movements in the South-Eastern Mediterranean basin – but also in the Black Sea region – unique as they may be, demonstrates what may occur when repressive dictators are misrecognized and ousted by Western states and when, for instance, popular pro-Islamist actors attain local and regional recognition instead. Similarly, the ongoing recognition process for Kosovo seems to have successfully tackled the problem of reducing inter- and intra-state violence on the ground. Yet, the legal argumentation submitted by the Russian Federation to the UN Security Council on South Ossetia and recently on Ukraine has arguably exacerbated the overarching conflict about the rules of the recognition game. The intended purposeful resolution of the actual political conflict (in Kosovo) has intensified and generated additional conflicts, which means that it has backfired at the meta-level regarding the proper ways of resolving conflicts. Both examples point to the importance of embedding analyses of individual recognition struggles within a broader understanding of the social dynamics of international politics.

By way of conclusion, it is worth considering an aspect that is also taken from political practice and that can be described as the strategic misrepresentation of identities. From her experience as a British diplomat, Bailes (in this volume) confirms that ‘states, and indeed other international actors, do not necessarily want to be recognized for what they really are – even if they have a clear answer to that themselves, which is often lacking!’ They often ‘pretend’ to be something they are not (powerful or harmless or supportive of a certain group). In a later passage she continues,

It gets more complicated than this, however, as a state may be driven both by its interests and psychology to seek a kind of negative recognition: for its weakness and suffering that merits free international support, or as an enemy too reckless and dangerous to meddle with, a rebel and martyr seeking the approval of a non-conformist minority […]. Thus the manipulation of recognition dynamics for ‘darker’ purposes can be a bottom-up as well as top-down process.
Structure of the volume

The structure of the volume mirrors our understanding of recognition as a continuum that comprises formal as well as informal modes of interaction among states, non-state actors, and actors that are situated at the transition point to recognized statehood. Each of these three categories of actors is at the centre of one of the volume’s main empirical parts, and within each part, examples are given of formal and informal modes of recognition, of actor-centred and more systemic perspectives, of identity-related recognition dynamics as well as instrumental rationality. The empirical chapters of this volume, which also include legal analyses of the politics of state recognition, are framed by three chapters that should be read as critical comments on ongoing efforts to establish recognition as a distinct field of research in the discipline of IR: one from a political theory perspective (Iser), one from an international political theory perspective (Nicholas Onuf), and one from the perspective of a practitioner who has dealt extensively with international recognition politics in her professional life (Bailes).

By including such a broad spectrum of disciplinary, conceptual and practical perspectives on recognition in IR, the present volume consciously eschews any attempt to impose a single theoretical framework onto an emerging field of research that would result in excluding insightful empirical studies and theoretical reflections. At the same time, we believe that the constitution of a new field of recognition studies in IR requires an explicit and continuous engagement among its different strands along shared lines of debate. By identifying critical points of contestation, and mapping areas of overlap between different research traditions that have developed in separation from one another, we hope to contribute to the formation of a shared research agenda among researchers interested in one or the other form of recognition in the international realm. Ultimately, of course, such a joint research agenda is but another criterion of recognition, constructed by the collective discourses and practices of academia – a criterion that ‘international recognition studies’ must meet to be recognized as a productive and worthwhile focus of research in IR and beyond.

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Notes

1. See the literature review in the following section.
2. However, see the recent debate in Agné et al. (2013) and Onuf (2013).
3. The contributions in this volume mostly focus on intentional ‘politics of recognition’, but some phenomena of recognition come about as unintended results or ‘byproducts’ of other political processes.
4. See Markell (2003) and Hitzel-Cassagnes and Schmalz-Bruns (2009) for a discussion of this point in Political Theory/Philosophy.
5. Most famously on the dialectic of master and slave developed by Georg Wilhelm Friedrich Hegel in 1807 in the *Phenomenology of Spirit*. A discussion of Hegel’s eminent influence on the modern scholarly debate on struggles for recognition is beyond the scope of this introduction, but see, for example, Markell (2003, pp. 90–122).
6. See the detailed debate in Fraser and Honneth (2003).
7. For a detailed discussion of recognition concepts see Bartelson (2013); Ikaheimo (2002); and Onuf (2013); for a discussion of semantic relatives, see Wolf (2011, pp. 114–16) and Iser (in this volume).
8. For an encompassing treatment of concepts/criteria in International Law, of historical and contemporary cases and the changing international setting, see James Crawford’s 800-pages monograph, *Creation of States in International Law* (Crawford, 2006).
9. For a detailed critique, see Erman (2013).
10. The academic analysis of such disputed territories has increased during the last few years and partly combines insights from International Law, International Relations, and Conflict Resolution. See, for example, Bahceli et al. (2004); Caspersen (2012); Caspersen and Stansfield (2011); Geldenhuys (2009); and Ker-Lindsay (2012).
11. For detailed treatments of individual recognition-related contributions in International Relations, see, for example, Bartelson (2013); Dimitrova (2013); Greenhill (2008); Strömbom (2013); and Wolf (2011).
12. For a detailed review of this volume, see Dimitrova (2013).
13. See Markell (2003) for a critical treatment of this.

References


2
Recognition between States?
Moving beyond Identity Politics
Mattias Iser

In recent years, several approaches within the field of International Relations (IR) have tried to broaden our theoretical horizon – from the narrow notion of states’ prudential self-interest to their ‘experiences of disrespect’. However, is it conceptually even possible to conceive of states as ‘experiencing’ disrespect? And if yes, for what kind of recognition do states struggle?

I develop my argument in four steps. First, I claim that most accounts within IR mistakenly focus on issues of identity instead of the primary dimension of normative expectations that I emphasize in my alternative proposal. Whereas, second, psychological accounts focusing on identity render it unnecessarily hard to apply the theory of recognition to states, my approach does not pose such problems. Third, I rebut the idea that within the context of interstate behavior one should only use the concept of ‘respect’. To do so is empirically and normatively inaccurate. Instead, I argue for a fourfold distinction between basic (legal) recognition, equal respect, esteem, and trust that can be transferred from the context of interpersonal recognition to that of collective agents. My proposal finally also provides an account of the ‘dark sides’ of recognition.

Recognition – normative, not psychological

The current prominence of the concept of recognition within IR theory often focuses on issues of identity and thereby runs the danger of suffering from too psychological an understanding of this term (e.g. Greenhill, 2008; Honneth, 2012; Ringmar, 2012; Wendt, 2003; an exception is perhaps Wolf, 2011). This move is understandable given the attempt to get a better empirical grasp of the motivational structure of international agents, but it leads to an impoverished understanding of
the conceptual (and, in the end, empirical) issues at hand. Furthermore, such an account faces the problem that states cannot suffer psychologically the way persons do.

Within Political Theory and Political Philosophy most theories of recognition indeed assume that in order to develop a practical identity, persons fundamentally depend on the feedback of other subjects (and of society as a whole). Those who fail to experience adequate recognition, that is, those who are depicted by the surrounding others or the societal norms and values in a one-sided or even negative way, will find it much harder to embrace themselves and their projects as valuable. Thus, recognition constitutes a ‘vital human need’ (Taylor, 1992, p. 26). Because of this feature, recognition theory is thought to be especially well equipped to illuminate the psychological mechanisms of social and political resistance. As experiences of misrecognition violate the identity of subjects, the affected are supposed to be particularly motivated to resist, that is, to engage in a ‘struggle for recognition’. And it is this fact that explains the interest that IR scholars have recently begun to show in this concept: perhaps the identity of states is constructed (and endangered) in similar ways as that of persons.

However, this depiction neglects the evaluative and especially normative content of recognition, which is primary. When you recognize another person in interpersonal contexts, you mostly do not affirm her in her entire personality (perhaps with the exception of intimate relationships). Rather, you recognize her with regard to a certain feature, as an autonomous agent, for example. In this case you do not only admit that she has this feature but you embrace a positive attitude toward her for having this feature. Such recognition implies that you bear obligations to treat her in a certain way, that is, you recognize a specific normative status of the other person, for example, as free and equal (in more detail Iser, 2013a). From this perspective, all relationships depend on the acceptance of an underlying framework of values and norms. This dependence of behavior and attitudes on the acceptance and negotiation of norms (instead of being guided merely by rational choice) has also been emphasized by constructivism in IR theory. The latter thereby distances itself from realism, which focuses on power relations and neglects normative questions.¹

The normative question of what kind of recognition we owe to each other is primary because speaking of recognition as a vital human need cannot mean that every struggle for recognition is (equally) justified – not even from the participants’ perspective. We require criteria to distinguish between legitimate and illegitimate demands (and thus struggles).
Certainly, those who fight for more recognition think that others owe it to them. But obviously their beliefs can be false if the claims are unjustified or exaggerated. As all instances of legitimate criticism remind us, neither every negative description of a person nor every challenge of her current status position – as hurtful as such ‘challenges’ might be for the affected individual – is necessarily a form of misrecognition.

Therefore, those who – like myself – defend a normative account of recognition distance themselves from what they perceive as the problems of overly psychological approaches. On the one hand, due to adapted preferences, persons might not even (emotionally) register when they are in fact disrespected. On the other hand, persons might feel slighted because they hold utterly unreasonable views in the first place, for example, if Nazis think that they ought to be treated as superhumans or mediocre painters as geniuses (Fraser, 2003, pp. 37–42; Iser, 2008, pp. 216–21; Margalit, 1996, p. 9).

One might wonder whether such a normative approach can at all be fruitful for IR as an empirical enterprise. Is a psychological perspective not much more helpful in understanding the motives of agents in international politics, whereas a normative analysis has to take a more distanced stance in evaluating the beliefs of the actors? I do not think so. Agents do not just have an identity, but they assume they have it for good reasons. And even more importantly: they believe that this should give rise to certain attitudes and behavior on the part of other agents. Therefore, in order to correctly understand misrecognition, even as a psychological phenomenon, we have to decipher its internally normative structure. From this perspective, a normative conception of recognition does not impose an external stance, but is already internal to the participants’ perspective.

We should thus frame conflicts in IR not so much in terms of identity but in terms of normative status expectations within an established recognition order (or expectations that one would have in a just one). Of course, within a normative reading the psychological elements remain important. One of the main accomplishments of theories of recognition is the close link they establish between normative claims that are internalized and the psychological response to violations of these claims.

This normative reading (defended in much more detail in Iser, 2008, sections 3.3.1 and 4.1.3) should be especially useful for all those working on issues of global politics because here the psychological reading is confronted with even greater problems. States and other collective agents cannot suffer psychologically. I will now show that the normative reading I am offering does not face these problems.
Recognition between states – changing the perspective

Whether there can be recognition between states is a question that has at least two dimensions. After having roughly clarified what we should understand by a state’s agency, I will discuss whether states can express (mis)recognition and be (mis)recognized.

The state as an agent

Obviously, I cannot answer the question of what a state is in any detail within the confines of this chapter. At least one can say, though, that a state is a political unit with a distinct territory that is supposed to serve justice between its individual members as well as promote their common good (and thus, in particular instances, express a national identity). In order to achieve these tasks, the constitution must regulate how the members of the unit are to arrive at common decisions, that is, form collective intentions and act on them.

Although a state is fundamentally constituted by its members, a state’s decisions can – even in a democracy – not be understood as a mere aggregate of individual decisions (by, e.g. means of permanent referendums). Rather, as Philip Pettit has pointed out, in order for a collective agent – and thus also a state – to act reliably (internally and externally), its decisions have to display a certain coherence over time. For this reason, the collective agent must be autonomous vis-à-vis its constituent parts (Pettit, 2007, p. 180). The state cannot be reduced to the combined utterances of all its citizens, but is an expression of a specific way of channeling these utterances into a single decision. In the following I will assume that we can meaningfully ascribe collective (or institutional) attitudes to a state.

States as subjects and objects of misrecognition

The question whether states can express attitudes of (mis)recognition is – from the perspective of the theory I am proposing – even more important than whether they can suffer misrecognition. If a person attacks you because she has a psychological fit and does not really know what she is doing, she may threaten to infringe your moral and legal rights, but she does not disrespect you (see Iser 2013b, 358–361). Thus, if a state could not have any intentions and attitudes, it also could not fail to express proper recognition for other states. However, in order to answer the question of whether recognition is a term that can be applied to ‘states’, we have to further differentiate between (a) the state...
as such, (b) its current government, (c) individual public officials, and (d) specific (groups of) citizens.

(a) States: A state’s ‘intentions’ find their clearest expression in the constitution and laws that have been valid over past changes of governments. Thus, it makes much more sense to speak of a state’s disrespect for certain domestic groups (e.g. by denying them fundamental rights) than of its disrespect for foreign states. However, two caveats are in order: first, a clause of the constitution or a standing policy that prohibits cooperation with state B because of its, for example, alleged inferiority would be a clear instance of misrecognition. And second, if a domestic group within state A was discriminated against because of feature F, which characterized the entire population of state B (or a substantial part of it), B might very well be misrecognized insofar as it understands that one of its main goals is to protect persons with feature F or even to promote F as a central goal of the polity.

But can a state really be misrecognized? Axel Honneth doubts that one can say so meaningfully and argues that a state’s ‘tasks of preserving the borders, economic well-being and political security’ (2012, p. 28) have to be described outside of the framework of recognition theory. However, it is implausible to think that representatives of a state face two independent tasks: first, that of paying attention to their constituents’ need for recognition (perhaps hereby even affirming the collective identity) and second, that of carrying out functionally defined imperatives. If the fulfillment of the latter task is necessary to protect the citizens’ rights and to properly react to their legitimate interests, such fulfillment is indicative of the state adequately recognizing its citizens. It is for this very reason that the possibility of fulfilling these tasks belongs to the rights of a state, rights that it holds vis-à-vis other states. These tasks already form part of what we have to describe in terms of recognition, be it with regard to the relationship between the state and its citizenry or with regard to the relationship between states.

Honneth is, again, misled by an understanding of recognition that is too psychological, focusing on issues of identity. Quite generally, it is certainly a valuable insight within the literature that verbal offenses, be they direct or indirect, play an important role in international politics. However, one should not commit the complementary mistake of failing to pay attention to offenses that are expressed in actions (e.g. infringements of rights or dominating policies). A state is disrespected if somebody speaks of it or – even more importantly – acts toward it with a certain disrespectful attitude. Such disrespect would most clearly be expressed if it were directed against the rights of a state, against its
basic structure, or against its general (foreign) policies. As already argued above, for such misrecognition to be possible, the state does not have to have a (full-blown) identity, as if it were the expression of a national identity. It is enough that the state can be clearly characterized by particular features for which it can demand a certain kind of recognition.

All this can be said without referring to mental states. Even if a state acts on collective intentions, it can very well be doubted that, by itself, it has a consciousness that could emotionally register insults the way persons do. However, a state does not have to be able to feel disrespect in order to be disrespected. As argued in the first section, recognition should not primarily be conceptualized psychologically, but rather normatively. States as collective agents that are able to express attitudes and actions are also capable of registering misrecognition exactly the way they can register (and react to) other events – they do not have to feel it the way individual persons do.

(b) Governments: Recently enacted laws and actual policies are more complicated to deal with than I just suggested. Here, the question is whether such measures should be seen as the state’s laws and policies, or those of a particular government (not really representing the entirety of the state). In one sense, there is no distinction to be drawn as every legitimate government officially acts on behalf of the state (this is simply its definition). In another sense, a state A that is supposedly disrespected by the actions of state B might very well prefer to perceive these actions as expressing merely a disrespectful attitude by B’s current government and not as the (un)official foreign policy of state B in general. It may be empirically hard to distinguish between states and their governments, but it is conceptually important to do so as democratic states ‘ordinarily persist through changes of government’ (Buchanan, 2004, p. 281). A government might act disrespectfully, hereby contradicting the state’s standing ‘attitude’, especially if we face a deeply divided country in which the government is known to speak only for roughly half of the citizenry (or even less). Thus, governments may act in ways of which everyone is aware that they meet with a lot of resistance within the state’s public sphere, as well as in the other formal state institutions such as the parliament or the (supreme) court(s). In these cases a particular government might clearly express disrespect toward another state or government, although it is not as clear as to what ‘the state itself’ is committed.

What if governments are treated without sufficient recognition? Often enough, governments try to reframe legitimate criticism of their particular policies or behavior as an insult to the state itself or, because
emotionally even more charged, to the entire nation. Recognition of a state should certainly constrain other states’ behavior toward its government, but if a certain government is not treated as it should be, such action does not necessarily have to express the same kind of misrecognition toward the state.

(c) **Individual public officials**: Sometimes misrecognition of ‘the government’ might just be a label attached to the misrecognition of individual members of it (although, again, one can reasonably assume that the recognition due to a certain position should also shield its occupant). However, it is more of a stretch to say that a state could disrespect another state simply in virtue of a single public official saying or doing something disrespectful (perhaps only to another individual public official). Certainly, in such a case we would expect the ‘state’ to distance itself from that public official and remove her from her post.²

(d) **(Groups of) citizens**: Such distancing might be more difficult if citizens act in ways that contradict the state’s official policy (as one might construe the case of the Danish cartoons on Mohammed). In this case, the state may be barred from distancing itself clearly enough in the eyes of the disrespected state (perhaps the latter expects some punishment, whereas the right to free speech renders this impossible). However, at least the state may, again, distance itself from attitudes or actions that are clearly disrespectful or insulting. If it fails to do so, the state itself might indirectly express some misrecognition toward state B.

Finally, often enough misrecognition of the state is equated with misrecognition of all of its members as citizens or even – quite implausibly – as individuals. It is even more implausible to think that such misrecognition would necessarily lead to the deterioration of the members’ individual identity (in this vein Ringmar, 2012, p. 8). As argued above, the question of who identifies most strongly with the state is entirely independent of the question who or what is improperly recognized (although this link might be empirically important in order to explain conflict dynamics).

There are also acts of (mis)recognition that are not directed toward a state but primarily against a religion, a culture, or a group of persons – as was the case with the cartoons mentioned above. When political leaders stress the cultural contributions Islam has made to world culture, no particular state or government seems to be the subject of such esteem, but a religion or an entire sphere of the globe (namely the Arabic and Northern African regions) and therefore primarily the individual members of that religion (or cultural tradition). Only indirectly may any state or government that identifies with Islam perceive itself
as esteemed as well. The importance of esteem, however, points to the necessary differentiation of recognition – a further neglected issue in recent writing on recognition in global politics.

Differentiating recognition between states

Most protagonists in the debate on recognition in IR embrace a one-dimensional understanding of recognition, focusing on a vague notion of respect. Interestingly enough, even Honneth, certainly one of the most prominent theorists of recognition, has succumbed to this mistake. In this section I will first critically discuss why one might think that recognition could not be differentiated when talking about states, before arguing for an empirically as well as normatively more nuanced picture by distinguishing four forms of recognition.

Respect and nothing but respect?

Honneth has joined those authors who think that the differentiations known from classical recognition theory should not be applied to interactions between states. ‘Unlike social groups or movements, whose own statements can be used to draw conclusions about the specific type of collectively desired recognition, national collectives are far too amorphous for us to be able to make comparable differentiations’ (Honneth, 2012, p. 33). This is a strange remark for several reasons: first, social movements are often motivated by a panoply of interpretations as well, ranging from indignation about injustices over the desire to be esteemed in one’s own contributions to the mere joy or excitement of taking part in collective action (and perhaps even violence). Still, one has to settle for the empirically and normatively most adequate description of such a struggle in order to see what it is about and whether it can be regarded as legitimate (although one might admit that the existence of other motivations renders the entire struggle less clearly legitimate). Interestingly enough, Honneth claims that ‘there has never been any problem with speaking of a “politics of recognition” when it comes to struggles of minorities for legal respect and social recognition for their collective identity. The starting point of these struggles consists in shared experiences of exclusion, indignity, or disrespect, which moves the members of such a group to band together and fight in solidarity for legal or cultural recognition’ (p. 27).

Here, Honneth is not quite clear whether he holds (a) that a group was systematically disrespected by a norm system or basic structure, and thus every member of it experienced this subjectively or whether (b)
the disrespect suffered by a lot of individuals motivated them to band together and constitute a group. It seems to be the second reading that leads Honneth to maintain that in the case of states ‘the only terms at our disposal are too psychologically or mentally laden’ (p. 27). But note that in reading (a) above, a group was disrespected in the sense of being unfairly treated. This only secondarily led to feelings of disrespect as experienced by the individual members. In fact, we only gain a theoretically adequate picture if we say that the injustice was directed at the group as such. For a lot of causes (although probably not all) it would be entirely inappropriate to say that A, B, and C were accidentally treated unjustly in the same way and then decided to form a group.

Thus, second and even more troubling, in his text on recognition between states, Honneth’s underlying idea seems to be that in order to see whether there has been an act of disrespect, we have to look at how people feel about it. Although it is certainly true that experiences of disrespect fulfill an extremely important heuristic function of signaling possible instances of disrespect, in the end one has to inquire whether the incidents that were perceived as forms of disrespect provided those struggling with sufficient reasons to be indignant and to resist.  

In fact, Honneth seems to think that a state could only be said to have been disrespected if all its members feel misrecognized in the same way. In contrast, if state officials provide an interpretation of the diffuse sentiments of the population, this cannot point to an instance of misrecognition (Honneth, 2012, p. 33), mainly because the state lacks psychological substance.

But as I have already argued above, this premise is mistaken because states do not need to have identities or even psyches in such a strong sense in order to be misrecognized. Thus, there is nothing problematic for a theory of recognition when Honneth argues that ‘the obvious increase of ethnic and cultural subgroups has started to make the illusion of a nationally homogenous population disappear for good’ (p. 27). Even if a stranger on the street does not know anything about me or my identity, she can disrespect or insult me (although insults tend to be the more effective the more the aggressor knows about her victim). Certainly, although states do not need to have thick identities to be disrespected, to be insulted in their self-esteem they might need to have at least salient features that they hold dear. Thus, one may defend the position that states cannot be insulted as they have no identity. But although this is a position that is at least not inconsistent, it is neither empirically plausible nor does Honneth seem to hold it. Rather, most of Honneth’s examples are located within the realm of such (lack of)
Esteem when he demands to use the ‘soft power of [...] esteem, which signals to a foreign citizenry that its cultural achievements are in no way inferior’ (p. 35).

Honneth’s refusal to apply a more differentiated theory might finally be due to the idea that social movements authentically posit their goals, whereas states tend ideologically to veil their real interests. The underlying picture is one of a ‘good’ public sphere and a ‘bad’ state. Thus, whereas struggles for recognition in the case of groups can be an instrument of moral progress, in the case of states any reference to disrespect seems to be an ideological tool. Interestingly enough, Honneth does not consider the struggle for recognition by states as something that should ever be endorsed. Rather, he advises the country accused of having expressed disrespect to react by expressing respect in an attempt ‘to convince another citizenry to mistrust their government’s narratives of justification’ (p. 34). Such mistrust of governments might often be adequate, but it misses out on the possibility that a state was indeed (systematically) treated unjustly, and is therefore correct in demanding an improved kind of recognition – and not only some symbolic gestures.

**Differentiating recognition between states**

In the following, I will – inspired by the insights of recognition theory as they are applied to interpersonal relationships – propose a fourfold distinction, albeit only in a sketchy way.

1. **Basic (legal) recognition:** The most fundamental form of recognition in the case of a state is its legal recognition as a player within the international system. This already constitutes a certain form of respect. Whenever a state is formally recognized by another state (or all members of the state system), this entity gains a new *normative* ‘status of being a primary member in good standing of the international system, with all the powers, liberties, claim-rights and immunities that go with that status’ (Buchanan, 2004, p. 263). This legal standing does not necessarily say anything about whether this state will gain full equal respect, that is, whether it will have exactly the same powers, liberties, claim-rights, and immunities as all other states. This basic form of recognition also leaves open the question whether the state will be especially esteemed because of its internal functioning or will be able to form close bonds with particular other states. However, such ‘recognitional legitimacy’ already indicates in which way a state may be misrecognized in this dimension, namely, whenever a violation of the granted powers, liberties, claim-rights, or immunities is either contemplated by another state or acted upon.
The possible objection that this is but ‘mere’ legal recognition is not convincing. In matters of interpersonal recognition, we also judge murder, assault, or the denial to enter contracts to belong to the most severe forms of disrespect. And it has always been a mistake of recognition theory to frame these crimes in such a way as to suggest that the problem with them is primarily that the self-image of the victim suffers (even if that is certainly an important part of the story). Recognition within the legal domain takes certain interests of a person or a state to be so important that rights are ascribed that are deemed impermissible to violate (claim-rights), which express a trust in the capacity of using her or its autonomy reasonably (liberties, powers) or which shield her or it from the danger of certain abuses of power by others (immunities). Other states have to act toward this state (and indirectly to its representatives and members) according to internationally accepted norms. However, as already pointed out above, basic (legal) recognition is – depending on the structure of the international system – not necessarily the same as equal respect.

(2) Equal Respect: According to Thomas Scanlon, equal respect constitutes the foundation of morality as such, because the ‘contractualist ideal of acting in accord with principles that others (similarly motivated) could not reasonably reject is meant to characterize the relations with others the value and appeal of which underlies our reasons to do what morality requires. This relation [...] might be called a relation of mutual recognition. Standing in this relation to others is appealing in itself – worth seeking for its own sake’ (1998, p. 162). Although states are not persons, it has been claimed that one can understand the relations between states along the same contractual lines. All states should be able to endorse the terms of the global structure as just (Rawls, 1999). Thus, privileges can only be justified if this is acceptable for those without these privileges. If, for example, only certain states are accorded a veto in the Security Council, (coercive) non-proliferation regimes establish two classes of states (those with and those without the right to possess nuclear weapons), or if some states have a much greater say in the construction of the global economic order than others (G8 or G20), this has to be justified with regard to some normative standard that is acceptable to all affected.

In contrast, within an unjust global system states can claim that they are not adequately respected because they have not been granted the rights they deserve. I think that this already accounts for a lot of situations in which states take themselves to be disrespected – but again it has nothing to do with identity. In such situations the underprivileged
states struggle for a kind of recognition comparable to women or African Americans fighting for an equal legal status.

(3) Esteem: Just as we esteem individuals with regard to specific traits, skills, or contributions that can be measured by a shared standard, so a ‘state’ can be esteemed for particular features that are deemed valuable. The denial of such esteem is perfectly compatible with according another state basic legal or even equal status (and thus respect) with regard to its powers, liberties, claim-rights, and immunities. The same holds for persons. In order to treat somebody as an equal, one does not have to think that she excels in something particular. This also holds for ‘appraisal respect’, denoting the proper attitude owed to a specifically moral person (Darwall, 1977) – or, as we might analogously say, a specifically well-ordered state.

Although embracing the notion of respect, a lot of authors implicitly refer to phenomena of esteem. Thus, Honneth speaks in several passages of ‘respect and honor’, of ‘the challenges it [a community, add. M.I.] has overcome in the past, its power to resist authoritarian tendencies, its cultural achievements and so on’ (2012, p. 29). Whereas the first two items in the quotation may be thought of as forms of political appraisal respect (which I would still subsume under the heading of esteem), the reference to cultural achievements clearly is a form of esteem (but not necessarily owed to the state).

There is one reason to think that it is possible to discuss these issues under the heading of respect. I might not value a specific feature of a person/state (i) because the feature does not live up to an accepted evaluative standard or because I happen to rely on a different standard that might be deemed inadequate by the misrecognized party, but also (ii) because I pay no attention to the feature at all and dismiss it right away because – on a deeper level – I do not respect the person/state.

During the age of colonialism there clearly was a tendency to express disrespect via insufficient esteem because only ‘civilized’ cultures were treated with equal respect. Thus, if today a Western state expresses some form of low esteem for the cultural traditions of a formerly colonized or ‘developing’ state, this dark history is very much with us. It is against this background and that of the unjust US invasion of Iraq that Barack Obama delivered his speech at the University of Cairo in June 2009 (Honneth, 2012, p. 30). It can therefore be regarded as an instance of respect as well as esteem. However, such fusion in some cases should not tempt us to throw the distinction itself overboard.

(4) Trust/Friendship: It is certainly true that states do not depend for their integrity on close bonds of love and friendship because states
themselves do not have mental lives. However, states may depend for their survival and for (all) the goals they strive for on the support of other collective agents. In turn, the formation of such special bonds might give rise to associative obligations. Thus, it is quite possible that an alliance between two states develops into something akin to a friendship. A friendship between two persons frequently also ensues from a sense of mutual interests and shared experiences. Although both individuals remain independent and could autonomously go on with their lives, they prefer to face the challenges ahead together. In such a constellation, a breach of trust will be perceived as a betrayal that might lead to reactions that can only be explained and critically evaluated by reference to the normative expectations established by the relationship. This concept might, for example, help us understand the special relationship (and mutual expectations) between the United States and Great Britain or within alliances such as the North Atlantic Treaty Organization (NATO).

The proposed differentiation is also important for normative reasons as it indicates that misrecognition can come in different degrees of severity. This continuity is valid within each of the four categories – there are, for example, more or less severe forms of disrespect – but also between them, most prominently between equal respect and esteem. A failure to show equal respect is a much more serious offense than not displaying proper esteem. If one is confronted with a candidate for statehood that fulfills all criteria usually demanded for it, but another state still denies it basic legal recognition, this is certainly highly problematic (perhaps even more so than not to equally respect already existing states). After all, without legal recognition the entity in question fails to have any rights under International Law. In contrast, when a state is not accorded proper esteem for its accomplishments although it is treated as a full member of the international community, perhaps even with equal status, this is normatively much less severe. These categories are also differently impacted by reasonable disagreement – and, as already indicated above, the more reasonable a disagreement, the less we can properly speak of it in terms of one side expressing a fundamental kind of misrecognition. Especially states that are domestically bound to be neutral with regard to ethical conceptions of the good life, should have a hard time conferring esteem for the historic achievements of other states that cannot be formulated in terms of a political conception of justice.

Finally, obligations of trust only emerge once a close relationship has been formed. In such a case state A’s inadequate behavior toward
state B might undermine their special relationship, but as long as state A does not violate the rights of state B, such misbehavior fails to amount to the normative severity of disrespect. Such differentiations are of utmost importance if we ask ourselves how to react (non-violently or violently) to misrecognition by other states. But sometimes the very perspective of struggling for (more) recognition might itself be problematic.

The dark side of recognition

Some authors paint a much bleaker picture of what recognition is all about. According to this picture, we do not suffer primarily from not being recognized, but rather from being held captive within a specific pattern of socially mandated recognition. Struggles for recognition only entangle us ever deeper in a wrong dependency on power relations the workings of which we fail to adequately grasp. In this vein one might suspect that the struggle for international recognition can either lead to the perpetuation of international domination (a) or to a pathological striving for the wrong sort of recognition (b).

(a) Even those who think that one can – at least conceptually – conceive of non-ideological forms of recognition have started paying more attention to the ways in which relationships of recognition are always also relationships of power (see the contributions in van den Brink and Owen, 2007). This becomes especially urgent if one realizes that values and norms – being products of human thought and attitudes – can express disrespect even if those who follow them are not really aware of this. Subjects may attempt to convey recognition within a framework that is itself disrespectful. For example, a husband not so long ago who treated his wife according to norms that demanded to treat her as clearly inferior – may not have (intentionally) disrespected her with regard to the socially valid system of norms and values. Thus, he might have been considered a ‘decent’ husband according to prevailing standards (whereas other husbands might have been described as ‘cruel’, etc.). However, at least some probably want to say that such a husband – in another sense – did not adequately respect his wife (and that therefore the social changes since then manifest moral progress). In turn, the wife might have struggled for and actually gained recognition for being a subservient wife, that is, lacking self-respect.

Analogously, being a compliant state in a global structure characterized by unjust norms may mean being recognized for accepting inequality or even subordination. Nonetheless, some authors regard
ideological recognition (as being e.g. a subservient wife) as something positive insofar as it strengthens the subject’s sense of worth and is thus superior to clear acts of misrecognition (Honneth, 2007, pp. 323–47). However, this positive dimension of ideological recognition will be less important in the case of states – which, as argued above, do not have the same propensity for psychological suffering. And quite generally, one may deplore any such ideological recognition for the incapacitating effects on the recognized agents’ will to resist – be it wives or dominated states.

The recognition being accorded to a state that accepts and acts upon unjust norms then only veils the implicit misrecognition being expressed by these very norms (see the contributions of Fikenscher et al. and Fehl in this volume with regard to the [mis]recognition accorded by the existing non-proliferation regime).

(b) Searching for ‘obstacle respect’? Within a hierarchical system that does not provide states with adequate avenues of gaining recognition, those states with a lower status may believe that the main way of gaining recognition is to come on strong. This tendency is supported by a non-normative sense in which respect is often used. According to this reading, you respect an X if you fear it. Joel Feinberg has termed such an attitude – using the German spelling of respect – ‘respekt’, the ‘uneasy and watchful attitude that has “the element of fear” in it’ (1975, p. 1), and Stephen Hudson has – perhaps more adequately – labeled it ‘obstacle respect’ (1980, p. 80).

In fact, several studies have shown that states are often longing for something more than just equal standing, namely to be perceived as a great power (e.g. Murray, 2012, and her contribution in this volume). The concept of a ‘great power’ is interesting as it presupposes an unequal status system – an ‘aristocracy of states’ – in which an actor from the lower ranks tries to reach the higher ranks and hereby gain recognition. But how is such ‘social mobility’ to be understood? Either it could be seen as searching for a form of esteem that the newcomer in fact deserves or as struggling for the acknowledgment that it would be dangerous to underestimate the threat that the aspiring state poses (i.e. as a search for obstacle respect).

However, I doubt that one can really recognize somebody out of fear. In this context, it is interesting to note that Ringmar believes that whereas violence cannot get you the recognition you desire in interpersonal relationships, it can very well do so in interstate relations (2012, p. 8). However, this can only be the case if the concerned entities fight for something very different (e.g. simply power) than individuals in
relationships of interpersonal recognition. Thus, one has to account for the possibility that ‘if our claims are rejected, we try to bomb our way to respectability’ (p. 8).

In a certain sense, it remains true that ‘obstacle respect’ cannot provide you with the recognition you are looking for because you cannot force someone to positively embrace certain features of you. What a state, though, can force upon another state is that the latter has to take seriously the former as a dangerous rival, granting, for prudential reasons (i.e. strictly speaking, for the wrong reasons), some of the rights and privileges the former deems to deserve. For many states such unstable ‘recognition’ within a mere modus vivendi might already be better than what they have now. Furthermore, in our current international recognition order, often enough this kind of enhanced attention may then in fact also lead to greater tribute being paid to the positive features of the dangerous entity (perhaps in order to rationalize in hindsight one’s obstacle respect, which is, in the end, a sign of weakness). Thus, for a state to gain true recognition, the fear must (at least retrospectively) be internally connected to something one indeed values, for example, economic competence and accomplishment or military excellence.

Insofar as current global politics is still characterized by the idea of great powers, it is thus haunted by an internal tension. It may indeed even be pathological because most theories of recognition claim that successful recognition can only be achieved between equals and therefore not within a (political and cultural) framework that grants some powers a special status. The problems of such asymmetry have already been depicted by G. W. F. Hegel in his classical treatment of the subject: in his *Phenomenology* two subjects fight against each other in order to prove their freedom by showing that their normative status is of more importance to them than any of their material desires, including – at an extreme – their desire to live. However, such fighting, allegedly expressive of autonomy, must lead to an impasse as it cannot achieve mutual recognition: either one of the subjects dies or subjects herself as a slave to the other, the superior master, and thus fails to express her autonomy.

Furthermore, in this case the master does not receive adequate recognition either, because the recognizer has proven to be a ‘mere’ slave who does not count as an autonomous and competent judge. Thus, for Hegel adequate recognition can only be (peacefully) achieved within an institutionalized order of rights and genuinely *mutual* recognition (Williams, 1997, pp. 59–68). The problem of the system of great powers was (and to the extent it lives on, still is) that states struggle for recognition, but
by doing so with military means undermine the very (normative) basis of such a recognition order. Additionally, if power becomes the currency of gaining status, every state tries to become more powerful. This is the opposite of a stable recognition order based on commonly accepted normative and evaluative standards. Rather, despite all emphasis on the importance of recognition, such a system remains close to the Hobbesian idea of each party having to accumulate power over others.

The problem of a higher status for great powers should thus be conceptualized differently. In order for a state to be recognized as a great power, it is not sufficient to simply command more military means. Rather, any unequal powers have to be justified with regard to greater skills, greater experience, or something of that sort in the light of the interests of all states and as acceptable to all states.

This chapter has attempted to make some first tentative steps toward mapping the moral grammar of global politics. However, I hope to have shown that such mapping has to go far beyond the narrow confines of identity politics in order to encompass the more complex realm of normative expectations and their underlying reasons.

Notes

1. Within moral and political philosophy it has remained a perennial question of how exactly to understand the ‘construction’ of such norms between agents. Most accounts hold that there could be norms that are constructed in an unreasonable manner. The problem then turns on how to understand mutually acceptable reasons and whether these reasons, in turn, must bear some relationship to facts (as emphasized by moral realism). For the purpose of this chapter, however, I can bracket this contested metaethical issue.
2. This is not to deny that recognition between diplomats or public officials who are involved in bargaining processes might play a crucial role for the success of international agreements.
3. There certainly can be reasonable disagreement over what constitutes sufficient reasons. But first, if there is space for reasonable disagreement, one does not have sufficient reasons to feel indignant or misrecognized in the strong sense that one is not taken seriously enough, as the other party admittedly has good reasons in their favor, too. However, one might still think that the other’s action was in some sense wrong or unjust (otherwise there would be no disagreement). Furthermore, beyond large grey areas of such uncertainty there are surely clear cases of misrecognition as well as of unjustified claims to more recognition. The kinds of disagreements will differ with regard to what kind of recognition one is talking about.
4. Thus, the conferral of at least ‘belligerent’ status and its accompanying rights to (secessionist) insurgents can be regarded as an important first step toward recognition as a state (government).
References


Part II
Recognition among States
China is a distant empire, a wondrous kingdom, an economic miracle, a revolutionary utopia; China is where all cheap stuff is made, where pandas come from, and pollution, and bespectacled politicians in black suits with awkward smiles who deny human rights to their people. China is stagnant and history-less, without progress unless foreigners supply it, but also standing up, ever rising peacefully yet menacingly with a Communist Party that bans trade unions on behalf of global capitalism. Today, the East is Red and the dragon finally soars, expanding its influence across the world, lending us money and convincing us all that we need to learn its language. Civilizations are clashing, East and West are meeting, and China is no different from everybody else in an increasingly borderless world, except that the Chinese are xenophobic and two-faced. The twenty-first century belongs to China unless they screw up, global capitalism withdraws its favors, the people revolt, or the rest of the world finally grows tired of China-watching and applies the collection of fanciful metaphors to some other, equally badly understood, country in some other, equally distant, part of the world.

The question, in other words, is what China is and how we would ever know. Studying the country, talking to people who know it well, visiting and living in it, does not necessarily help.\(^1\) The reason is that any description always must be given in terms that make sense to us, the non-Chinese, and the question we ask ourselves is not what China ‘really is’ but instead what we can make of it. The question, that is, is on what terms China is recognized. We need to come up with a description that allows us to identify the country as the same country as the one we identified on a previous occasion. But any process of recognition, as always, will not concern its object as much as our way of orienting ourselves towards it.\(^2\) Generally speaking, recognition is a matter of basic
survival skills. By recognizing something in certain terms, we come to understand where dangers lie, and benefits, how to prepare ourselves for upcoming situations, and what gets us through the day. If we do not know how to recognize danger, safety, food, and sexual opportunities, we are not as successful as we otherwise would be. This is why to recognize China necessarily is to misunderstand it. The real subject of the current torrent of newspaper articles, best-selling books, and assorted policy advice is not ‘the rise of China’ as much as how this rise, if that indeed is what it is, relates to the rest of us.

Recognition thus understood is no doubt at least partially biological implanted. After all, those cave dwellers of prehistory who knew how to recognize tigers had a far better chance than their less perceptive peers of one day ending up as our ancestors. But recognition is also social. Other people have been in the same situation as the one in which we find ourselves, and their experiences help guide our choices. There are socially prepared judgments, prejudgments, regarding how best to recognize things. Instead of making up our own minds, we rely on these templates and call things what they are called by others. These prepared judgments could perhaps be called ‘recognition regimes’. Under a certain recognition regime, something is recognized by means of the ‘principles, norms, rules, and decision-making procedures around which actor expectations converge in a given issue-area’. 3

Recognition regimes exist in all social systems, including international social systems that take states as theirs subjects. When learning how to recognize another international actor, we are guided by the principles, norms, rules and decision-making procedures that the recognition regime provides. Understanding this logic is crucial to a state’s survival. Unless political leaders understand another state’s behavior, they will not be able to take the necessary precautions. Or, looking at this logic from the point of view of the state’s being recognized, it matters greatly how you present yourself to others. Recognition regimes have rules regarding self-presentation. Before we can be recognized, we must make it possible for others to identify us. To this end we must present ourselves in the same guise, in the same place, or as a follower of the same rules of conduct (Ringmar, 2012b). Only in this way can others draw the conclusion that we indeed are the same state as one that presented itself on a previous occasion.

The aim of this chapter is to introduce four different recognition regimes and to briefly discuss how China has come to be recognized in their terms. Although we tend to take the current international system, ‘the Westphalian system’, to describe the inevitable logic of
international politics, there are other international systems and other logics, and even within our current system there is more than one recognition regime. As a result, what is counted as the constituent subject of an international system, and how this subject is recognized, will vary over time and between systems. Although states may all look alike, they are not everywhere the same.

Four recognition regimes

Let’s begin quite abstractly by identifying four separate recognition regimes, two hierarchical and two egalitarian. The first recognition regime we could perhaps call ‘aristocratic’. It emphasizes the pursuit of honor and preeminence among the members of a hereditary upper class (e.g. Lebow, 2008; 2012). What is recognized here are heroes, aristocrats, and knights in shining armor. Heroes and knights give evidence of their qualities through their exemplary conduct and the brave, decisive actions in which they engage. The aim of a hero is to live in such a way that he is remembered in the stories told about him after his death. Yet, since such recognition only can be given to truly exceptional characters, the quest for preeminence will be fierce. Aristocrats are the pale shadows of these heroic ancestors. While invoking their memory, aristocrats defend their own honor mainly through gentlemanly manners and acts of noblesse oblige. Aristocrats too are status conscious, constantly bickering about matters of precedence and, occasionally, challenging each other to duels. As far as ordinary people are concerned, however, they have no particular status to defend. Regular people, busy with the monotonous reproduction of life, are neither heroes nor aristocrats, and they are not even actors, properly speaking, since they never have any opportunity to do something truly exceptional.

For the next recognition regime, imagine a society that is understood not as an abstract, all-encompassing entity, but instead as an enormous web of personal hierarchical relationships between father and son, ruler and subject, husband and wife, and so on (e.g. Fei, 1992). Each relationship entails a fixed set of obligations: the inferior party should obey the superior, but the superior party should take responsibility for the inferior, listen to her, and care about her well-being. From the Latin pater, perhaps we could call this recognition regime ‘patrimonial’. In order to achieve social harmony and order, all that is required is that each person carries out the duties associated with his or her position. What is being recognized here, in other words, is not the identity of an individual but instead the position a person occupies in a particular
relationship. The relationships are fixed, whereas individuals can move quite easily between positions. Everyone is someone else’s inferior, at least some of the time, and this includes the ruler who is forced to submit himself before his own parents. To refuse to assume a position, or to refuse to carry out its associated obligations, is effectively to deny recognition to oneself.

Next, imagine the problem of recognition as it presents itself in a society without fixed social positions, in which all members, in theory at least, are granted the same status. Since there are no predetermined ways of relating to others, it is not at all clear how they should be recognized. One way to deal with this challenge is to bracket questions of identities and instead to focus only on what others want (Hobbes, [1651] 1982; for a discussion, see Carnevali, 2005; Slomp, 2000). Our concern here are the interests others have and the strategies they use to pursue them. For that reason this recognition regime could perhaps be called ‘strategic’. Since an understanding of the desires of others requires a lot of detailed information, however, this regime would never work but for a radical simplification. We assume, not unreasonably, that others want the kinds of things that are treasured in our society – the money, power, beauty, and fame associated with success. By ignoring personal characteristics, however, we will inevitably come to relate to others in an instrumental fashion. As far as we know, the others may as well be robots programmed by a computer. Thinking about others in this manner, we inevitably end up with an uncomplicated understanding also of our own selves. Under a strategic recognition regime we are all subjects of the same desires.

We could, however, try to learn more about others— and this is what we do in the fourth and final recognition regime. Here we treat other people not as robots but as individuals with an interior life and a personality that is uniquely their own (Hegel, [1807] 1979, pp. 175–88). Yet who others are is never easy to figure out. For the same reason that we never truly can understand ourselves, we will never quite understand others. In order to learn more, we must ask others to reveal themselves, to show themselves before us and to tell us who they are. Meanwhile we will reveal ourselves to them in the same fashion, showing and talking about ourselves. In this way, in a reciprocal process of self-revelation, we will step by step make ourselves available to recognition. The fact that the selves we reveal in this way are more likely to be made up rather than ‘real’ does not matter so long as recognition can be gained. To the extent that we are successful in this quest, we will be encouraged to go on, and in this way we will gradually come to know, to trust, and to
accept, each other. We build ties of friendship and love. Perhaps, we could call this regime ‘identity based’.

As far as an entire society is concerned, it is obviously quite impossible to base it on such intimate recognition. There are far too many others, and there is not enough time to learn who they all are. Instead we simply assume others to be similar to ourselves and that we all share a way of life and a way of looking at the world. It is on this intimate basis that we build feelings of national sentiments and solidarity or, in relations between societies, a shared sense of civilization (Ringmar, 1998). Membership in these communities is often expressed in legal terms: we have rights, as citizens and as member of international society. Law is a substitute for intimacy and identities are legally recognized rather than personally known (Honneth, 1996). By following the law, we define ourselves as members of this society, and it is on this basis that we present ourselves to others. Law, here, does not only help us distinguish acceptable actions from unacceptable, but in addition it determines the community to which the law itself applies (Ringmar, 1995). By following the law, we come to recognize ourselves, and we ask others to recognize us, as the kind of subject to whom the law itself applies.

The patrimonial regime: up or down?

The first European visitors to China, traveling during the Pax Mongolica of the thirteenth century, were invariably enthralled by the many wondrous things they discovered (e.g. Yule, 1866). China, they decided, was an immensely rich and powerful country ruled by an emperor with despotic powers. Europe, clearly, did not compare. The Chinese, for their part, were hardly surprised that foreign visitors showed up at their court. China, according to the official worldview, was the center of the world, and the emperor was the ‘Son of Heaven’ with a personal responsibility for keeping Heaven and Earth in harmony with each other. The foreigners, the Chinese believed, arrived in Beijing to recognize him in this role and to benefit from the advantages of Chinese civilization. Organizing these visits into a regular system of foreign relations, various East Asian states, but also the occasional European country, were obliged to show up at the Chinese court at regular intervals, bearing tributes and koutou-ing before the imperial throne (Fairbank and Teng, 1941; Ringmar, 2012b). The emperor would reciprocate by giving even more costly gifts in return and by treating the visitors to meals and entertainments. In this way a patrimonial relationship of mutual obligations was established: the emperor assumed his place as superior and the visitors as inferior.
After China’s complete humiliation in the Second Opium War in 1860, these roles were quickly reversed: Europe became the ‘teacher’ and China the ‘student’, and dutifully the Chinese began ‘learning their lessons’. These relations too were patrimonial: the Europeans took responsibility for helping their ‘little yellow brothers’ and to gradually introduce them into the world that was theirs. The Chinese established a proper European-style foreign ministry in 1861, began teaching foreign languages and the rudiments of diplomatic procedures to a new crop of students, and the latest works on international law were translated into Chinese (e.g. Zhang, 1991). In 1877, the first Chinese diplomats were stationed abroad, and Chinese diplomats began participating in international conferences. After 1860, the Chinese authorities no longer insisted on use of the koutou. Desperate to fit in, the Chinese diplomats always made sure to carry themselves with dignity, quoting extensively, in foreign languages, from the statutes of international law. They looked just like Europeans in their tails, bowler hats, and white shirts with starched collars.

Despite the fact that the Chinese clearly had learned their lessons very well, they were never admitted as a regular member of international society. In the first half of the nineteenth century, China’s sovereignty was constantly violated; the country was invaded and divided, and its views were routinely ignored at international conferences. Restoring China’s international position was one of the chief goals of the Communist Revolution of 1949. ‘China has stood up’, Chairman Mao Zedong proudly declared, making clear that his country would accept no further humiliations (Mao, 1949). Yet this new position was not recognized by the majority of foreign countries. Instead, the loser in the Civil War, the ‘renegade province’ of Taiwan, was recognized in international forums like the United Nations (Zuo, 2012). As an alternative to the Western world, Mao declared China to be the leader of an explicitly anti-Western coalition of states. There was an alternative world order, variously described as the ‘Non-Aligned Movement’ or, more aggressively, as ‘Third World’ countries bent on world revolution. ‘In my view, the United States and the Soviet Union form the first world. Japan, Europe and Canada, the middle section, belong to the second world. We are the third world’ (Mao, cited in: Encyclopedia of Anti-Revisionism On-Line, 1977).

It was easier for China to gain recognition under this alternative description. When Prime Minister Zhou Enlai presented himself at the first meeting of the Non-Aligned Movement in Bandung in April 1955, he was treated as a figure of world-historical significance (Shizumura,
The preferred mode, however, was to ask foreigners to come to China. The American journalist Edgar Snow made the trek to Yanan already in the 1930s, writing a famous account, *Red Star over China*, which introduced Chairman Mao to the world (Snow, [1937] 1968). In 1954, an illustrious list of British left-leaning intellectuals, led by Clement Attlee and the philosopher A. J. Ayer, answered Zhou's call to 'come and see' the New China and to celebrate the fifth anniversary of the communist victory (Wright, 2010). In the 1960s and 1970s, a steady stream of representatives of the 'New Left' came to China to pay tribute, including Simone de Beauvoir, François Mitterrand, Roland Barthes, and Julia Kristeva (Barthes, 2009; de Beauvoir, 2001; Kristeva, 1974; Société Radio-Canada, 1961). Communist China represented an alternative vision of how the world could be organized, and reports regarding starvation and repression, they agreed, were much exaggerated.

Not all these audiences went as smoothly as the Chinese would have wanted. In 1793, a visiting British diplomat, George Macartney, insisted on his right not to *koutou* before the imperial throne (Pritchard, 1943). While other Europeans reluctantly had followed the requirement in order to gain trade concessions from the Chinese, the *koutou*, to the British, represented an unacceptable degradation of their country. The Chinese, for whom the inferior status of all foreign visitors was a given, were incensed and promptly sent Macartney packing. Similarly, when the Italian filmmaker Michelangelo Antonioni visited China in 1972, he did not portray the country in as enthusiastic terms as the Communist Party had expected (Peking Review, 1974; further Haiping, 2008). The director, *Peking Review* explained, had consistently preferred pictures of old, feudal China to representations of the glories of communism. Ignoring busy traffic on the highways, he portrayed oxcarts and wheelbarrows. Skipping the 'stirring sight of collective labour', he turned his camera on old people and a sick woman. The film, *Peking Review* concluded, was 'a serious anti-China event and a wild provocation against the Chinese people' (Peking Review, 1974, emphasis original). All Antonioni's films were banned in China until 2004.

The strategic regime: cooperate or defect?

Despite China's failed attempts to gain recognition as a regular member of international society, it was nevertheless risky to ignore the country and risky also to treat it condescendingly. This at least was the view of writers and politicians who took an interest in strategic affairs. Whatever one made of China and the Chinese, the country remained a political
power of formidable population and size. As long as it is possible to convince the country to engage with the rest of the world, it should also be possible to engage it as an alliance partner and as a player in European-style games of power politics. What needs to be recognized in this strategic recognition regime, that is, is not who or what China is but instead the interests that guide the country’s foreign policy.

There are two examples. The first dates from the last decades of the nineteenth century. China, a number of observers noticed at the time, is quickly changing, reforming its economy, administrative system, and military. The result is a China that will be vastly more powerful than before. As such, it will have an unprecedented ability to uphold its sovereignty, but it will also pose new threats to its neighbors. This power must be checked, but it can also be harnessed and used to counterbalance the power of other states. ‘From the moment China becomes as strong as Roumania is now – that is, can dispose of a corps of 100,000 trained men, or their equivalent, she becomes a power that must enter into the combinations of England, Russia, and France’ (Pearson, 1893, pp. 113–4). As several American authors insisted, this provided an excellent opportunity for their country. With an ocean in common, and no history of animosity between them, the United States was in a good position to benefit from the new China (Pumpelly, 1868; Young, 1892). As it turned out, however, these projections had vastly exaggerated China’s potential for reform. As the humiliating defeat against Japan in 1895, and the foreign invasions following the Boxer Rebellion in 1900, both made clear, China was not able to effectively defend itself. Once the imperial system collapsed in 1911, the very integrity of the country was in jeopardy. In the end, China had few interests that foreigners needed to recognize apart from the vain hope that the country would be left alone.

The second example is the rapprochement that took place between Washington and Beijing in the 1970s. To the rest of the world this was a surprising coup de théâtre. After all, the two countries were ideological enemies, on opposite sides in the Cold War, and busy fighting a number of hot wars by proxy in various locations around the world. Despite these differences, China and the United States came to recognize the interests they had in common, above all their interest in opposing the Soviet Union (United States/China, 1972). In addition, Washington wanted help in ending the war in Vietnam and Beijing wanted international recognition of its status and of its claims over Taiwan. In one fell swoop China, but also the United States, improved its position in world politics. It was a marriage of convenience, to be sure, but then
again, according to strategically minded thinkers, this is what most alliances in world politics are. China was not necessarily different in this respect.

This strategic recognition regime was dominant until 1990, when it suddenly was undermined by two unexpected events. The first was the process set in motion by the breakup of the Soviet Union and the end of the communist bloc, of the communist ideology, and of the Cold War. The other was the massacre at Tiananmen Square in June 1989, which drew indignant reactions from the rest of the world. The end of the Cold War would normally have brought the former ideological enemies closer together. This was particularly the case since China already for some ten years had developed in what only ideological dogmatism could deny was a distinctly capitalist fashion. Yet, as the events of Tiananmen demonstrated, China was still not a ‘normal’ country. It was not democratic, it violated human rights, and its leaders employed the army against their own people.

Relations between China, the United States, and Europe remained frosty, if not entirely frozen for close to ten years, and even once summit meetings were resumed with Jiang Zemin’s visit to Washington in 1997, the topic of ‘human rights’ featured prominently on the agenda. The Chinese leaders were always resentful of this turn of events, insisting that states of different kinds could maintain perfectly friendly relations as long as they only learned to respect each other’s sovereignty. The Chinese leaders were always happiest in a strategic recognition regime in which the nature of their political system was not a topic of debate. We are ‘ready to enhance dialogue and exchanges with the U.S. side to promote the world’s cause of human rights’, as Hu Jintao explained in 2006, but this can only happen ‘on the basis of mutual respect and equality’ (Hu, 2006). ‘China’, a spokesman for the Ministry of Foreign Affairs clarified, ‘does not fear the antagonism of other countries’ (Jacobs, 2011).

The identity-based regime: us or them?

From a historical perspective, the strategic recognition regime is thus something of an aberration, a *modus vivendi* that temporarily may bring China closer to the United States and Europe, but that sooner or later breaks down as a result of the sheer otherness of China’s political system. It is us against them, in the end, and China is them; East and West are different and the twain shall never meet. In the nineteenth century, this difference was often understood as a distinction between ‘civilization’
and ‘barbarism’. To call China barbarian was of course slightly odd since few countries could make a more plausible claim to being the carrier of an ancient civilization, yet, it was crucial to the Europeans that China was recognized under this description. Indeed, their own civilizational status depended on it.

Consider two nineteenth-century examples: diplomacy and the laws of war. Since the late Renaissance, European states had come to share a number of diplomatic practices, sending envoys to each other’s courts and participating in regular conferences, in particular at the conclusion of major wars (e.g. Mattingly, 1988). In Europe, diplomats were treated as the official representatives of their state, with direct access to the foreign government, enjoying legal immunity and extraterritoriality. As for warfare, Europeans shared a number of practices here too. There was by the middle of the nineteenth century a general agreement that wars were engagements between soldiers, that civilian lives should be spared, that armies should respect private property as well as cultural treasures and places of worship. Glaring exceptions to these practices certainly occurred, in particular during the Napoleonic Wars, but given the reactions of outrage they sparked, they only confirmed the existence of the emerging norms. It was from this set of shared practices that a new positive science of international law came to be developed and codified. Once formulated by international jurists, the new legal framework soon took the form of international treaties, and it was even incorporated into the manuals that guided soldiers in the field (Koskenniemi, 2004).12

The basis of both diplomacy and international law, in other words, was a sense of similarity and reciprocity. Europeans states learned from each other and responded to, and mirrored, each other’s conduct.13 As such, they came to constitute an international society that, despite its anarchical features and occasional outbursts of violence, gave the Europeans a sense of shared identity and a set of recognized rights. This was the international society comprising all civilized, all European, states. European states were formally equal, and they had the right to sovereignty, self-determination, and self-defense. China was obviously not a member of this club. In their ignorance, the Chinese had regarded themselves as superior to the rest of the world. They had demanded submission by all diplomats visiting Beijing, and engaged in no reciprocal practices. The country, Europeans concluded, had an arbitrary and cruel legal system. The Chinese made war on enemy civilians, not only on enemy soldiers, and they mistreated and tortured prisoners of war (e.g. Krauel, 1877). China was not a civilized country, not a member of
international society, and for that reason not a subject of the new positive international law.

This was why China never could obtain recognition under the identity-based recognition regime and why the Europeans never respected China’s sovereignty. Consider the interconnected cases of trade and warfare. As sovereign subjects, European states had a self-evident right to control the goods that passed, or did not pass, across their borders. Yet this right was not respected in the case of China, to which British traders sold opium despite the efforts of the Chinese authorities to stamp out the trade. Moreover, the British insisted that its merchants should have unimpeded access to China’s markets. The right to trade freely, they argued, was a principle given by natural law, which applied equally to all human beings and which, in the absence of a positive law, was the only form of international law applicable to China. The two wars fought over this issue – the Opium Wars, 1839–42 and 1856–60 – were not conducted according to civilized practices. Since China was a barbarian state, there was no reason for the Europeans to hold back. Hence, the indiscriminate bombardment of the city of Guangzhou in 1856, the extensive looting of Chinese villages and towns during the North China campaign of 1860, and the wholesale destruction of cultural treasures such as the imperial palaces in Beijing (Ringmar, 2011).

Such barbarian practices were not a contradiction nor an expression of hypocrisy, but instead a confirmation of the conclusion that only members of international civilized society, only European states, could be considered as fully sovereign. China could certainly join this club, and gain full membership rights, yet before that could happen, the Europeans explained, the country, its legal system, and general outlook on life, had to be dramatically overhauled (Krauel, 1877). The Chinese had to open up to trade; replace their legal system; give up their pretensions to superiority; engage in reciprocal exchanges, and in general behave in a civilized manner. The result is a paradox: only by following European practices could China obtain the right to act freely. Only by first becoming Europe-like, would China be allowed to be itself. And as we saw above, the Europeans were never convinced that the Chinese had accomplished these tasks – not in 1860, not in 1900 or 1919, and not in 1949.

The more fundamental problem concerns the kinds of demands that the identity-based recognition regime imposes. Here, we are all required to give an account of ourselves and to develop mutual ties of friendship, love, and respect based on who we reveal ourselves to
be. To the extent that our counterparts turn out to be radically other, strange, or unsavory, they cannot be recognized on equal terms. In G. W. F. Hegel’s version of this logic, a process of mutual adjustment takes place whereby parties of radically different status gradually become similar to each other (Hegel, [1807] 1979). This process is the engine that pushes history forward, and history ends when recognition finally is granted on equal terms. To many scholars of international politics, the European society of states constitutes a similar achievement (Bull, 1977; Watson, 2009). This ‘anarchical society’ presents solutions that, although not actually settling the perennial problems of world politics, nevertheless provide our best attempts at dealing with them. International law, international organizations, balances of power, great-power concerts and alliances are all social institutions arrived at by states that mutually recognize each other’s identities. Even when they make war in the most horrific ways, they still consider both themselves and each other as ‘civilized’.

But something crucially important is overlooked. The struggle for recognition, as conceived of by Hegel and his followers, consists of only two parties that interact in a world in which nobody else is present. This means that the state of mutual recognition, once it is achieved, never is juxtaposed to anyone or anything else. There is no outside, as it were, which is recognized on other terms. Compare the way scholars of world politics have assumed that the blessings of the European version of international society gradually will come to encompass all other states (Bull and Watson, 1985; Watson, 2009, pp. 265–76). This self-congratulatory account hides the real story of what happened when the Europeans in the nineteenth century came to take over the world. International society was not formed as like-minded, civilized countries eventually realized how much they had in common, and as they, generously, extended the benefits of their civilization to everyone else. Rather, the Europeans became civilized as they drew as sharp line as possible between themselves and the non-European (Ringmar, 2014). The line between the civilized and the uncivilized did not name a preexisting difference, that is, instead it constituted a difference that previously did not exist. The Europeans became civilized as the others were turned into savages and barbarians, and it was as savages and barbarians that the non-Europeans were made war on, occupied, and, in some cases, obliterated. These murderous practices, furthermore, helped reinforce the distinctions they named. It was by making war on the barbarians that their barbarian qualities were revealed.
China’s Place in Four Recognition Regimes

The aristocratic regime: conquer or be conquered?

There is one recognition regime left to discuss, the one in which heroes and aristocrats fight for preeminence. This is a regime in which China is identified as a challenger to the dominant position in world politics held first by Europeans and later by Americans. China is finally waking up, the country is rising, and the Chinese are bent on revenge; the dragon cannot be reasoned with, cannot be contained, but must instead be confronted and slain. There are two times when this recognition regime was commonly applied: first at the turn of the twentieth century and then again today, a hundred years later.

Given the way China was defeated, humiliated, and for a while on the verge of complete disintegration, it is surprising that there were those at the turn of the twentieth century who were convinced that the country constituted a threat.\(^5\) Given the enormous resources at the country’s disposal, the argument went, both in terms of size and population, China has a rightful place as a major player in world politics. Due to its failure to interact with the world, the country as so far failed to claim this position, yet this is now about to change. All that is needed is for the Chinese to combine their resources and traditions with the latest European advances in science and technology. Doing this will ‘make them a State which no Power in Europe will dare to disregard; with an army which could march by fixed stages across Asia; and a fleet which could hold its own against any the strongest of the European Powers could afford to keep permanently in Chinese waters’ (Pearson, 1893, pp. 111–12). Once civilization has spread equally around the globe, ‘the most populous country must ultimately be the most powerful and the preponderance of China over any rival even over the United States of America is likely to be overwhelming’ (Pearson, 1893, pp. 129–30).

This threat, in a metaphor popular at the time, was described as a ‘yellow peril’. In North America, there was a particular fear regarding the long-term consequences of Chinese immigration. If the Chinese move to the United States in the same proportion as the Irish or the Germans, it was pointed out, the country will eventually ‘have more Chings and Changs in their genealogical trees than Smiths and Browns’ (Pumpelly, 1869). The Chinese had high birth rates, they worked diligently, and they were able to thrive in any climate. This was also why they were spreading throughout Southeast Asia.\(^6\) At least some Europeans were prepared to take up arms against this imaginary threat. When German troops embarked for China on 27 July 1900 to help quell the Boxer
Rebellion, which reportedly had taken Europeans as its targets, Kaiser Wilhelm admonished his men to be fierce:

Should you encounter the enemy, he will be defeated! No quarter will be given! Prisoners will not be taken! Whoever falls into your hands is forfeited. Just as a thousand years ago the Huns under their King Attila made a name for themselves, one that even today makes them seem mighty in history and legend, may the name German be affirmed by you in such a way in China that no Chinese will ever again dare to look cross-eyed [scheel anzusehen] at a German. (Wilhelm II, 1900)

A hundred years later, the arguments are strikingly similar. China is once again ‘waking up’ and ‘claiming its rightful place in international society’. The result, some have argued, is bound to be destabilizing, and the most alarmist have talked of the inevitability of war.\textsuperscript{17} China and the West represent different civilizations, and civilizations will sooner or later come to clash (Huntington, 1993).

Alarmed at such saber rattling, the Chinese have tried to reassure the rest of the world. ‘Will not the awakening of 300 million to a consciousness of their strength be dangerous to the continuance of friendly relations with the West?’ asked Zeng Jize, the first Chinese diplomat stationed in London, in 1887 (Zeng, 1887, p. 4). Surely the Chinese will be bent on revenge? No, he concluded, the Chinese are not aggressive, not expansionist, and we have ‘none of that land-hungering so characteristic of some other nations’. Despite widespread fears about China’s growing economic clout and political stature, Zheng Bijian, an adviser to the Chinese government, concluded in 2005, Beijing remains committed to a ‘peaceful rise’. ‘China’s development depends on world peace – a peace that its development will in turn reinforce’ (Zheng, 2005, p. 24).

**Recognizing ourselves in the other**

Frustrated by these varying images, we may well ask what ‘real China’ is like, the China which we may assume to exist beyond all interpretations and recognition regimes. Such a China does indeed exist, and it is easy enough to discover. All you have to do is to go there and see the country for yourself. Walking down a street in the center of Shanghai, for example, you will discover stalls hawking steamed rice buns and smelly \textit{doufu}, bicycle repairmen crouching on the sidewalk, trash collectors disassembling cardboard boxes, and women defeathering recently killed chicken.
There are luxury malls, clothes hanging out to dry, black government cars with tinted windows, electric motorbikes flaunting all traffic rules, bored couples in Starbucks checking their phones, fashionably dressed women waiting to have their cars washed, and people absolutely everywhere (Qiu, 2011). This is the real China, the actually existing China, and if you keep your eyes peeled, you can record as many observations as you like regarding what this real China really is like. The problem is only that none of it adds up to anything that we would recognize as ‘China’, a country understood as a collective entity, a quasi-person, to which or to whom the rest of the world is forced to relate. China, the quasi-person, has a collective nature, national interests, even habits and quirks, which are uniquely its own. This quasi-person is never just there but must instead be imagined, and this imagining will necessarily follow certain rules (Ringmar, 2012a). It is these rules that recognition regimes supply.

The best question is thus not what China really is like, but rather why we come to imagine the country under one recognition regime rather than another. This question we have already discussed. Recognition, we said, is a matter of determining what something means in the context of someone’s life. Unless we learn to recognize things, we fail to seize opportunities and to avoid dangers. Recognition in relations between states is consequently not a scholarly as much as a political activity; it is more like identifying foreign fighter planes during a war than flowers during a botanical field trip. This is not to say that we can let our imagination run free. China is an imagined, but it is not a fictional, country. Facts still need to be established and checked; incorrect interpretations must be rejected. Once this process of checking and double-checking is concluded, however, there are still likely to remain a number of perfectly plausible Chinas. How we choose between them will depend not on China but on how we dream, what we hope for, and what we fear. Recognizing this fact, what we recognize is not only China but also ourselves.

Notes

1. China is not unique in this respect. In the 1980s, Japan was given the same treatment (Wilkinson, 1991).
2. I have previously discussed the concept of recognition in Ringmar (2012a; 2002; 1996).
3. Compare the classical definition of a ‘regime’ (Krasner, 1983).
6. On this process of embourgeoisement, see Gay (1994).
7. This affective logic is emphasized in Honneth (1996; 2012).
8. On the koutou, see Rockhill (1905).
9. This is the master metaphor of Hevia (2003); see further Ringmar (2013).
10. Two examples are the Chinese diplomats Zeng Jize and Wellington Koo (Saxon, 1985; Zeng, 1887).
12. On military manuals, see Lieber (1863); compare Ringmar (2009).
13. Check the idea of ‘reciprocity’ in International Law and elsewhere (Koskenniemi, 2004).
14. For a comprehensive overview, see Wong (2002) and Ringmar (2013).
15. As Curzon pointed out, such views are ‘shared by no contemporary authority
who either knows or has resided in China itself’ (1896, p. 400).
16. Curzon, again, is critical of this view (1896, p. 411).
17. Among several examples, see Navarro (2006) and Carpenter (2006). For a
similar projection from an earlier era, see Friedman and LeBard (1991).

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Constructing the July Crisis: The Practice of Recognition and the Making of the First World War

Michelle Murray

The decade preceding the First World War saw the major European powers become embroiled in a series of crises that threatened general war. In each of these crises, the great powers confronted one another about the nature of the European order and inched the Continent closer to war through increasingly aggressive and dangerous threat making. On 28 June 1914, Archduke Franz Ferdinand and his wife were assassinated in the Bosnian capital of Sarajevo, initiating the final diplomatic crisis before the war. Like the four that preceded it, no European power had a vital material interest at stake in the dispute, and for most of July the great powers worked to resolve the crisis short of war. However, unlike the crises that went before, the great powers were not able to resolve their differences: on 1 August, Germany declared war on Russia, bringing about the start of World War I. Why were the European powers able to solve the previous diplomatic crises short of conflict, whereas the July Crisis quickly escalated to continental war? What was it about the events of July 1914 that pushed Europe over the precipice to war?

The predominant answer to these questions within the International Relations (IR) literature suggests that none of the European great powers wanted war, but rather in the course of the crisis lost control of events that quickly spiraled out of control (Levy, 1991, p. 226). In this view, the security dilemma figured prominently in explaining the insecurity that drove the continental arms race, and the great powers’ offensive military doctrines exacerbated this problem (Sagan, 1991, p. 112). In particular, the rigid system of ‘interlocking mobilizations and of war plans that placed a great emphasis on rapid offensive action’ directly led
to a conflict that could have been avoided. That is, the war plans of the great powers, and the emphasis these doctrines placed on preemption, created an environment in which ‘striking the first offensive blow [was] considered advantageous compared to waiting to be attacked’ (p. 113).

In this chapter I argue that the spiraling accumulation of arms that characterized the decade before the First World War did not grow out of the security dilemma, but rather was symptomatic of the struggle for recognition. Recognition refers to a social act in which another actor is constituted as an actor with legitimate social standing (Murray, 2010, p. 660). When a state is recognized, its identity is brought into existence, its meaning stabilized, and its status as a political actor secured. The struggle for recognition is the process through which states attempt to gain recognition of their identities and secure their status in the international order (p. 660). To gain recognition of their identities, states must follow the grammar of recognition: the discursive and material practices that are constitutive of identity. In taking up the practices constitutive of the identity they desire, states are able to insulate themselves from the insecurity endemic to intersubjective identity formation and try to impel other states to recognize their identity.

The struggle for recognition was especially pernicious in the years before the First World War. At the turn of the twentieth century, the terms of the European social order were in flux and the positions of the European great powers in this social structure uncertain. In this context, as the great powers attempted to establish their place in the European social order, they took up the discursive and material practices constitutive of great power identity at that time. This logic animated the series of crises that foreshadowed the war. With each diplomatic crisis, political and military decision-making grew closer together, so that by the time July 1914 arrived there was little room for political maneuver. That is, the struggle for recognition – and its associated grammar – was constitutive of the military mobilization schedules so many see as the primary cause of the war.

The chapter proceeds in three parts. In the first section, I provide the theoretical context for my argument: to gain recognition, states ground their identities in the discursive and material practices associated with the grammar of recognition. Next, I apply the argument to pre-World War I Europe, by reconsidering the four crises that preceded the war and showing how the desire for recognition shaped great power arming decisions. The chapter concludes by sketching the implications of my argument for IR theory.
The practice of recognition

The familiar realist formulation of great power politics begins with the narrow assumption that states seek physical survival and then shows how uncertainty about relative power leads security-seeking states to war. Constructivist scholars have recently challenged this view by arguing that states also need a secure identity and that the process by which states secure identity – the struggle for recognition – can lead to conflict and sometimes war (Lindemann and Ringmar, 2012; Murray, 2010; Ringmar, 2002; Wendt, 2003). Securing identity is a fundamental goal of states in anarchy because without an identity, states cannot have interests nor understand how they are to act in pursuit of those interests. State identity is the product of both domestic agents and international structures.

The most basic element of a state’s identity is its self-understanding: the domestic conception of the self that arises from domestic discourses and historical experience, and determines which role the state wants to play in the international order. Self-understandings are not authored by any one person or group, but instead are the products of power relations within the state that are negotiated through the domestic political process, what might be called a domestic ‘community of practice’. A community of practice is a ‘configuration of a domain of knowledge that [...] brings the community together through the collective development of a shared practice and is constantly being renegotiated by its members’ (Adler and Pouliot, 2011, p. 17). This means that while certain actors may be empowered to represent the state in international affairs, these representations are not reducible to a single group or person’s narrow self-interest. The effect of this community of practice is a reified notion of what the state identity encompasses, which then becomes the referent object that is secured through states’ interactions with other states.

Identity formation, however, is not only a domestic process. Self-understandings can only become identities when they are framed, articulated, and ultimately recognized in terms of the international social structures that give identities meaning. Social structures form the basis of the social order and shape the relationships between states and the roles they play in society. When a state’s self-understanding corresponds to an existing position in the social structure – for example, great power – and is recognized as such by the international community, that self-understanding is brought into being as the state’s identity. If the international community does not recognize the state’s self-understanding, then it
will struggle to obtain the recognition it needs to secure that identity. Identity formation, in short, is dependent on the experience of recognition and states’ basic ontological condition is social (Murray, 2010, p. 661). Because state identities are formed intersubjectively, the process of identity formation is filled with insecurity, for through interaction a state’s own understanding of its identity becomes vulnerable to the unpredictable responses of other states (Markell, 2003, p. 14). Interaction always holds the possibility that a state’s self-understanding will not be recognized, and as a result the security of its identity will be called into question.

To manage this insecurity and obtain recognition, states ground their aspirant identities in the practices constitutive of the status they seek. Practices are socially recognizable forms of activity that are repeated over time and done on the basis of what states learn from others, which in turn reproduce an intersubjective reality that gives meaning to particular identities (Barnes, 2001, p. 27; Wedeen, 2002, p. 720). The practices coupled with an identity are defined by constitutive norms that specify ‘the actions that will cause [other states] to recognize that identity and respond to it appropriately’ (Hopf, 1998, p. 173). That is, practices must be competent in socially meaningful and recognizable ways in order to be effective in securing identity (Adler and Pouliot, 2011, p. 7). For this reason it is through carrying out collectively known plans of action that actors can be empowered and gain the social status they desire (Ashley, 1986, p. 292).

The necessity of adherence to socially recognizable practices as a way to secure identity illustrates a sort of ‘grammar’ of recognition. A grammar is a set of practices and rules by which actions become intelligible and political reality is constructed (Baumann and Gingrich, 2005; Pin-Fat, 2009). Grammars will vary depending on the particular identity that is being recognized and on what the rules and norms constituting that identity require. Thus, while the particular details of how a state can secure recognition is an empirical question, all grammars of recognition can be identified by the form of its discursive and material practices.

Discursive practices are ‘socially meaningful speech acts, according to which saying is doing’ (Adler and Pouliot, 2011, p. 14). In international politics, these speech acts take the form of a fait accompli, which makes claims on a particular identity and situates the state in the social order. In presenting their identity as a fait accompli, states demand that others recognize it as it already is, not what it aspires to be. This recognition claim does two things: first, it represents an attempt to force other states to recognize its identity, and second, it is an effort to assert the meaning
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of identity outside of social interaction. The effect of these discursive practices is to temporarily isolate the state from the uncertainty of intersubjective identity formation, giving a fleeting sense of social security. Material practices include the actions that instantiate identity in the material world. The material world can give substance to a recognition-seeking state’s identity, allowing the state to experience social status as a material fact, rather than the uncertain effect of an ongoing process of social construction (Markell, 2003, p. 112). Similar to the discursive practices of recognition, material practices give the sense that identity preexists social interaction, therefore isolating the state from the social insecurity related to identity formation.

The particular form that these practices take will depend on the identity the state aspires to and on what the performative production of that identity requires. Therefore, to secure great power identity, states will adhere to the discursive and material practices constitutive of that status. Discursively, this involves making claims to great power identity in their diplomatic communication and framing issues in terms of great power status. Rhetorically, these speech acts will construct an identity as a fait accompli, that is, as a status they already possess. The defining material condition of great power status is the accumulation of military power and the ability to wage war. Before the First World War, these capabilities included large fleets of battleships, robust land armies, and offensive military doctrines. The implication of this argument is that military power is not something states pursue for security, but rather is a discursive and material practice that secures identity. That is, power maximization is importantly about identity construction.

Constructing the July crisis

The July Crisis was the culmination of a decade of crisis diplomacy that prompted greater military preparedness and ‘helped tip the balance of power in favor of larger armies and hair-trigger organizational readiness’ (Stevenson, 1996, p. 366). With each subsequent crisis, the increasing focus on armaments and the balance of power made war more likely as the great powers grew more comfortable with the notion that war was inevitable. In what follows, I argue that the logic that animated this commitment to military armaments was the struggle for recognition: as each great power attempted to establish its place in the European social order, it took up the discursive and material practices constitutive of great power identity. The analysis suggests the spiraling accumulation of arms that characterized the decade before the war did not grow out of a
security dilemma, but rather was a response to the social insecurity associated with misrecognition. That is, the struggle for recognition – and its associated grammar – was constitutive of the military mobilization schedules so many see as the primary cause of the war.

Realigning Europe, 1905–9

The First Moroccan Crisis of 1905–6 set the stage for the July Crisis by precipitating a diplomatic realignment in Europe that drew Britain into continental politics and brought into sharp relief the balance of power (Murray, 2012, pp. 131–51). From the beginning, the crisis was infused with concerns over status, as France sought to complete its ambitions in the region and solidify its status as a world power by incorporating Morocco into its North African empire. Germany interpreted France’s actions as an affront to its status as a European great power and to the role it was entitled to play in settling colonial disputes. As the crisis progressed, German and French positions became entrenched, and in the summer of 1905 Germany threatened France with war over the independent status of Morocco. In issuing this threat, Germany neither desired nor was prepared to go to war. Rather, it was largely part of a political performance concomitant with the practices associated with its desired role in the European order. France, also unprepared to go to war, crumbled in the face of the threat, and a European conference was called to settle the matter. In a devastating blow to Germany’s place in the European order, its demands on Morocco were unmet when the other great powers sided with France and gave it unofficial control over the affairs of Morocco.

The First Moroccan Crisis ended with both France and Germany unsure of their status in the European social order, consigning them to the practices associated with the grammar of recognition. France’s submission to German threats exposed French weakness, menacing it with the specter of ‘satellite status’ (Murray, 2012, p. 141). To manage the uncertainty surrounding its unrecognized identity, France undertook the material practices associated with great power status: it began short- and medium-term preparations to prepare its military for war, realizing that one of the defining characteristics of a great power was the ability to credibly threaten war, something it could not do during the crisis. More importantly, the crisis strengthened the Franco-British entente and revived the Franco-Russian alliance, which was complemented the following year by an Anglo-Russian rapprochement (Stevenson, 1996, p. 76). Soon an awareness of Germany’s diplomatic isolation on the Continent began to emerge, exacerbating its social insecurity and
commitment to the dangerous practices of *Weltpolitik*. Realizing a great power had to credibly be able to threaten and wage war, German military planners conceived of the Schlieffen Plan – Germany’s strategy for winning a two-front war in Europe – which soon became the centerpiece of German war planning. The Schlieffen Plan emphasized rapid military mobilizations and with it raised the importance of windows of opportunity and preventive war, shifting military doctrines toward the offensive. The First Moroccan Crisis reinforced the notion that great powers must be able to credibly and successfully threaten war, which in turn conditioned great powers to think of their identities, interests, and diplomacy in terms of the balance of power.

If the First Moroccan Crisis importantly shaped relations between France, Britain, and Germany, the Bosnian Crisis did the same for Germany, Russia, and Austria-Hungary. In October 1908, Austria-Hungary annexed the Ottoman provinces of Bosnia and Herzegovina, angering Russia, which expected to be consulted beforehand. Despite a history of mutual suspicion and conflicting ambitions in the Balkans, for more than 30 years Austria-Hungary and Russia were able to avoid military conflict (Bridge, 1976; Kagan, 1996, p. 158). This cooperation was motivated by an appreciation that instability within the Ottoman Empire would seriously threaten each state’s imperial interest in maintaining a sphere of influence in the Balkans, upon which their status as great powers in part rested. By 1908, Turkish power had eroded, and Vienna sought to fill this vacuum as the dominant political and cultural power in the region, securing its status in the European order (Williamson, 1990, p. 60).

Russia also had strong ties to the Balkan region – in large part through its shared Slavic history and culture – and considered its influence there to be essential to its status as a European great power. After a humiliating loss in the Russo-Japanese War, reasserting its influence in the Balkans was a way for Russia to ‘pursue [its] interests more vigorously and regain lost prestige’ (Kagan, 1996, p. 158). Austria-Hungary and Russia initially crafted an agreement to facilitate the annexation of Bosnia, which would solidify Austria-Hungary’s sphere of influence while protecting Russian prestige among its Slavic satellites, which they feared would feel abandoned by their great power sponsor (Lieven, 1983, p. 35). The agreement fell apart when news of it was made public, causing outrage within the Russian government and among the public, who viewed it as a ‘betrayal of the Slav cause’ (Kagan, 1996, p. 160). When Austria-Hungary annexed Bosnia without giving Russia advance notice, a diplomatic crisis broke out. With Russia’s credibility as a great power rapidly diminishing,
Moscow called for an international conference to put an end to the crisis and rebuild its international position. Unfortunately, support from the other great powers was not forthcoming. France was preoccupied with its interests in Morocco; Britain opposed Russia’s ambition in Turkey; and Germany firmly backed Austria-Hungary. When Serbia refused an Austro-Hungarian ultimatum intending to force it to recognize Austrian authority in the region, the crisis escalated to the brink of war.

Serbian and Austrian intransigence on the annexation worried Russia, which feared Austria-Hungary was willing to go to war and that Russia would not be able to support Serbia. While it was unlikely that Austria-Hungary would attack Russia directly, Russia feared the humiliation associated with the possibility of standing by while Serbia, traditionally within the Russian sphere of influence, waged a war it knew it would surely lose. Looking to save its reputation and avoid war, the Russians approached Germany for help in mediating the conflict, hoping Berlin would be able to exert influence over Austria-Hungary to temper its claims toward Serbia. Instead, Germany continued to fully support its ally, directing the Russians to either accept Austrian claims or face war. Unable to credibly threaten war, Russia withdrew its support of Serbia and thereby forced Serbia to capitulate completely to Austrian demands.

As with the First Moroccan Crisis, the Bosnian Crisis exposed the uncertainty of the European social order, and in its wake the great powers sought to secure their status by grounding identity in the practices of recognition. For Austria-Hungary, the Bosnian Crisis exposed the fragility of its status as a great power. First, instead of solidifying its sphere of influence, the annexation sparked nationalist fervor in Serbia, which increased the separatist pull that Austria-Hungary saw as the primary threat to the status of its empire. Moreover, although it was clear Austria-Hungary was not acting as a puppet for German interests in the crisis, it was ultimately the German threat to Russia that forced its capitulation. This again raised the question of whether Austria-Hungary could achieve its interests without the help of Germany, and called into question its independence as an actor. Austria-Hungary was still in danger of being perceived as a German satellite state.

The Bosnian Crisis, however, had its most profound effects on Russia. Germany’s ability to threaten war during the confrontation exposed Russian inferiority, and its inability to defend its sphere of influence created a determination in Moscow to do something about it (Herrmann, 1996 p. 146). To avoid another such humiliation, Russian foreign policy centered on two objectives in the wake of the crisis. First, it sought
to strengthen the Triple Entente, allying its power with France and Britain. The consequence of this was the further isolation of Germany, as it became increasingly clear that great power adversaries encircled it. Second, Russia sought to ground its identity in the material practices constitutive of great power status, by embarking on a major program to strengthen its military forces. The Russian Duma voted a large increase in funds for the army in 1908, which was raised even higher in 1909 and maintained at that level until it was raised again in 1912 and 1913. By 1910, a German report on the state of the Russian military commented that ‘the reorganization has brought the Russian army a more unified structure and a better provision of curved-trajectory artillery and technical troops; and hence altogether a significant increase in preparedness’ (cited in: Kagan, 1996, p. 166). Russia’s humiliation in the Bosnian Crisis had profound effects on the course of European diplomacy, and when Austria-Hungary again threatened unilateral action against Serbia in July 1914, Russia would not back down.

The arms race, 1911–14

Germany’s armament program was largely focused on the naval arms race with Britain until 1911, when a second diplomatic crisis erupted over the status of Morocco, causing Germany to decisively reorient its priorities from the naval to the land arms race and setting into place the spiral that would lead to war (Stevenson, 1996, p. 165). When in 1911 France occupied the Moroccan capital of Fez, in violation of a 1909 Franco-German agreement on the matter, Germany sent the gunboat Panther to anchor off of Agadir in a spectacular demonstration of armed diplomacy, indicative of the practices constitutive of great power status. As in the First Moroccan Crisis, German interests in Morocco were purely symbolic, related to the loss of prestige Germany feared it could suffer by signing agreements that were then overturned without its consent (Stevenson, 1996, p. 183). In confronting France, Germany hoped for a ‘visible success, a demonstration of German power, a gesture of respect and a gain in prestige, and that called for open intimidation’ (Kagan, 1996, p. 170). Thus, despite significant common ground on which an agreement could be reached, Germany pushed the negotiations to their limit by keeping its preferences unclear and hoping to humiliate France in a such a way that its status as a great power would be called into question. This fixation on humiliating France drew Britain into the conflict, as it came to view German bellicosity as a direct threat to its status as a great power. In the famous Mansion House Speech, David Lloyd George made it clear that Britain would not allow Germany to dictate affairs on
the Continent, making it clear that it would intervene if the crisis escalated to war (Murray, 2012, p. 143). Faced with the prospect of fighting a two-front war with France and Britain, Germany backed down, recognizing the French protectorate in Morocco and receiving little in return. The defeat over Agadir was particularly humiliating for Germany given the extreme belligerence it displayed in the lead-up to the negotiations. When its assertion of world power was unable to produce the desired results, Germany was painfully confronted with its inability to engage in this sort of gunboat diplomacy and the consequence this held for its status in the European order (Herrmann, 1996, p. 149).

The Agadir Crisis was a turning point in the lead-up to war because it provoked suspicions of German intentions and decisively shaped the way the great powers approached their relations with one another so that diplomacy was now conceptualized strictly in terms of the balance of power. British commitments to the Continent strengthened, as Britain and France completed plans for the rapid delivery of the British Expeditionary Force to the Continent in the event of war. Britain increased its naval power, and in France a nationalist reawakening saw support for military mobilization grow. Within Germany the crisis brought into sharp relief ‘the contradiction between its war strategy – the Schlieffen Plan – and its force structure’, exposing Germany’s inability to fight a two-front war against Britain, France, and Russia (Stevenson, 1996, p. 180). This led to a dramatic reorganization of Germany’s military planning, as it shifted resources away from the naval arms race with Britain toward the land arms race on the Continent. German strategic thinking was now trapped within a self-fulfilling prophecy: the Agadir crisis served to expose German impotence as a European great power, and by grounding its identity in the material practices associated with this status, Germany actively constructed its own encirclement. After the Agadir Crisis, balance-of-power thinking had firmly taken root in Europe. The result was an arms race that only served to further German insecurity.

In 1912, the land arms race was exacerbated by the Balkan Wars, which broke out when Montenegro declared war on the Ottoman Empire, and because of a system of alliances quickly involved most of the Balkan states. Serbia emerged from the Balkan Wars in a strengthened position, which introduced a new balance of power to the Balkans that threatened the status of Austria-Hungary’s empire in the region. Serbia acquired a great deal of territory, a million and a half new subjects, and a new sense of independence. Serbia and Montenegro now all but surrounded Bosnia and Herzegovina, and many Slavs hoped the next step would be the
separation of these territories from Austria-Hungary. In response to this increase in Serbian power, Austria-Hungary passed a series of new military spending bills designed to secure its empire. As the Austrian joint finance minister argued, nothing less than its status as a great power was at stake, and war would be preferable to the prospect of losing Bosnia (Herrmann, 1996, p. 179).

In Germany, the Balkan Wars engendered talk of general war in Europe, which was increasingly viewed as inevitable. At the infamous ‘War Council’ meeting of December 1912, Helmuth von Moltke argued that he considered ‘war to be inevitable and the sooner the better’ because ‘the army would get into a steadily worse situation since our opponents armed faster than we did because we were constrained by costs’ (cited in Stevenson, 1996, p. 179). Thus, balance-of-power concerns had come to dominate diplomatic thinking, and war was no longer a question of if, but when. The belief in the inevitability of war and Germany’s closing window of opportunity to win a two-front war against France and Russia, led Germany to initiate a new set of military expansions. In July 1913, the Reichstag passed an army bill, expected to cost 884 million marks, plus an annual addition of 183 million marks (Herrmann, 1996, p. 180). Moltke argued that the new army bill was necessary to ‘ensure success in the next war, that we will fight together with allies but nevertheless with our own forces, for Germany’s greatness’ (Herrmann, 1996, p. 190). German fears of encirclement were increasing, and Germany feared that in the next crisis it would not be able to defend its interests and position in the international system.

The other European great powers responded to Germany’s army law by initiating increases of their own. France increased mandatory military service from two years to three, effectively increasing the size of its peacetime forces by one-sixth and giving France the manpower needed for an offensive war plan. In Russia, the expansion put in place during the Balkan Wars continued, and while there was some delay in implementing these increases, by spring 1914 the Russia armament program was well under way.

From crisis to war

On 28 June 1914, Archduke Franz Ferdinand and his wife were assassinated in the Bosnian capital of Sarajevo, initiating the final diplomatic crisis before the war. Austria-Hungary had increasingly come to see Serbia as the primary threat to its status as a great power. It understood something had to be done in response to the assassination so as to reassert its role in the European order. To do nothing would be a demonstration
of Austrian weakness as a great power; however, escalating the conflict was not without risk. The land arms race had intensified offensive military thinking throughout Europe, and all the great powers realized the importance of quick and decisive military mobilizations should the crisis escalate. Thus, from the beginning, the July Crisis was animated by the planning for war. This crisis was also European in its scope: because of Russia’s historical support for Serbia, Austria-Hungary could not wage war without the support of Germany, whose involvement would draw in France and Britain.

On 4 July, the Austrian government approached Berlin hoping to secure German support for an aggressive retaliation against Serbia. In what has become known as the blank check, the Kaiser pledged Germany’s full support to Austria-Hungary. Aware of the balance of power, this decision was not made lightly; Germany understood in supporting Austria-Hungary it was risking continental war. After securing German support, Austria-Hungary developed an ultimatum to deliver to Serbia, blaming it for the assassination, demanding a joint Serbian-Austrian committee to investigate it, public admission of Serbian responsibility, and a pledge of future good relations. The ultimatum served several purposes. To begin, the conditions Austria-Hungary attached to the ultimatum represented a serious violation to Serbian sovereignty. If Serbia accepted Austria-Hungary’s demands, it would essentially reduce itself to a protectorate of the Austrian Empire. Over the previous decade, Serbia and its small state allies repeatedly challenged Austria-Hungary’s authority in the Balkans. By formally incorporating Serbia into the Austrian sphere of influence, Austria sought to secure its identity in the region. In short, Austria-Hungary intended to permanently solve its ‘Serbia problem’ by humiliating Serbia and reducing its status as a semi-protectorate of the Dual Monarchy.

In addition, the ultimatum was also meant to secure Austria-Hungary’s position vis-à-vis the other great powers in Europe. While Austria-Hungary was supported by Germany should the situation escalate to armed hostilities, the other European great powers did not know this, and as such Austria’s strong stance appeared to be independent of interference from Berlin. The Serbs would be given 48 hours to reply, and were expected to reject the demands, in which case Austria-Hungary would respond with the threat of war.

Germany’s support of Austria-Hungary in this crisis was intimately connected to a concern about its standing among the European powers, and its broader foreign policy of Weltpolitik. By 1914, Germany’s world policy had become directly connected to its continental policy: it could
not achieve the former without securing the latter. Given Germany’s insecure place in the European balance of power, Russia began to figure prominently into Germany’s sense of security, for its position on the Continent was understood vis-à-vis Russia. Germany understood that Russia traditionally considered the Balkans as a natural part of its sphere of influence, and that it would not allow Austria-Hungary to dominate the region in the way demanded by the ultimatum. In this way, German decision-makers understood war between Austria and Russia in the Balkans to be inevitable, a conflict that Russia would surely win. But because Austria-Hungary was Germany’s most important ally on the Continent, whose continued existence as a great power was essential to maintaining the balance of power in Europe, Germany’s status on the Continent had become linked to Austria-Hungary’s continued existence as a great power:

To retreat from the position to which, despite the constant risk of war, we had previously adhered and abandon Austria-Hungary would have meant the demolition of our own global position without a struggle. (cited in Hillgruber, 1981 p. 32)

Therefore, when Vienna approached Berlin for help in defending that position, Germany naturally agreed.

In the early evening of 23 July, the Dual Monarchy presented Serbia with the ultimatum, and sent it to the other European capitals the next morning. Following the dispatch of the ultimatum, Germany sent notice to France, Britain, and Russia, informing these states that while Germany desired peace, it felt that significant action must be taken against Serbia; otherwise, ‘nothing would remain for the Austro-Hungarian Government, unless it renounced definitely its position as a great power’ (cited in Hillgruber, 1981, p. 32). This notice emphasized German support for Austria-Hungary and made it clear that this matter was of utmost importance to Austria-Hungary’s continued existence as a European great power. Austria-Hungary had suffered a tremendous act of disrespect at the hand of Serbia – a second-rate European state – and had a right as a great power to demand compensation for that wrongdoing. Nothing less than international respect was at stake for Austria-Hungary, and Germany was asking the other great powers to recognize this fact.

The Serbian response to the ultimatum was surprisingly cooperative. It accepted nine out of ten of Austria-Hungary’s demands and tempered its response to the remaining one. Of all of Vienna’s demands, Serbia refused to allow Austria-Hungary to participate in its internal
investigation into the assassination (Kagan, 1996, p. 194). In rejecting the ultimatum, Serbia had refused to recognize Austria-Hungary’s claims to authority over it, and Austria-Hungary proceeded with its plans to present the other European great power a fait accompli, and when the other European great powers did not respond, prepared its military for war. Upon receiving Serbia’s response to the ultimatum, and in the wake of this misrecognition, Austria-Hungary began to mobilize its military against Serbia, and on 28 August declared war.

Russia, as Serbia’s great power sponsor, interpreted the ultimatum as an act of aggression against Russia’s international position and identity as a great power. However, despite Russia’s increased military preparations in the year before 1914, it was still not ready for war. Given this, domestic considerations pointed against risking a war over Serbia. Nevertheless, at the Council of Ministers that met on 24 July in response to the ultimatum, Russian foreign minister, Sergey Sazonov, argued that allowing Austria-Hungary’s ultimatum would make Serbia a de facto protectorate of the Central Powers, thereby reducing Russia to a second-tier power (Lieven, 1983, p. 142):

The moment had come when Russia, faced with the annihilation of Serbia, would lose all her authority if she did not declare herself the defender of a Slavonic nation threatened by powerful neighbors. If Russia failed to fulfill her historic mission she would be considered a decadent State [emphasis M. M.] and would henceforth have to take second place among the powers [emphasis M. M.]. (cited in McDonald, 1992, p. 204)

Russia had long considered the Balkans as part of its sphere of influence. Abandoning these states now, as they faced their greatest threat, would call into question its relationship to the Balkans and its status as a European great power. As with Austria-Hungary, nothing less than Russia’s identity and prestige were at stake in the crisis:

In this ministerial council, where no one had reason to suppress other considerations, it is striking to observe the dominant role of prestige. Russia’s material interests in Serbia and the other Balkan states were nugatory, but the Balkans was the place where its power and reputation were most on display and at risk. The state of its prestige made it more or less able to defend its clients and press its claims about such fundamental matters as access to the Straits, and more or less attractive as an alliance partner to those states on whom it depended.
for security. In that sense defense of its prestige was the defense of a most important interest, and fear of its loss the most powerful motive for risking war. (Kagan, 1996, p. 196)


Still hoping to avoid war, but committed to defending Serbia, Russia asked the Dual Monarchy to extend the time limit attached to the ultimatum, and urged Serbia ‘to show a desire for conciliation and to fulfill the Austrian Government’s requirements in so far as they did not jeopardize the independence of the Serbian state’ (cited in Lieven, 1983, p. 147). This position related back to Russia’s concern that the ultimatum was going to make Serbia a protectorate of the Austrian empire, thus challenging Russia’s historic authority over the region. For Austria-Hungary, anything short of a Serbian protectorate was a threat to its status in the region. And, for Russia, the opposite was true: its own fate in the region was tied to Serbia’s continued independence. Since it was impossible for Serbia to be the satellite of both Russia and Austria-Hungary, their positions were fundamentally incompatible.

Therefore, faced with the possibility of another humiliation over its role in the Balkans, on 26 July, the Russian armed forces began preparations for war, and, two days later, upon learning that Austria-Hungary had begun military operations against Belgrade, the tsar authorized a partial mobilization of Russian forces. Two days later, convinced that Austria-Hungary’s bombardment of Belgrade signified its intent to incorporate Serbia into its empire, the tsar approved the general mobilization of the Russian military. Germany immediately responded in kind, and demanded that the Russians halt their preparations for war. When Russia refused this demand, Germany declared war on 1 August. The next day, Tsar Nicholas II reciprocated by declaring war on Germany, stating, ‘we have now to intercede not only for a related country, unjustly attacked, but also to safeguard the honor, dignity, and integrity of Russia, and [its] position among the Great Powers’ (Dmytryshyn, 1990, pp. 510–11). Russia was willing to risk war in order to defend its status and identity as a great power.

On 3 August, Germany declared war on France, a contingency necessitated by the Schlieffen Plan – Germany’s war plan for continental
domination. The next day, Germany invaded Belgium, a violation of that country's neutrality, which drew Britain into the war. Accordingly, as British Prime Minister Asquith noted on 2 August, 'it is against British interests that France should be wiped out as a Great Power' (cited in Stevenson, 1996, p. 36). By the end of the first week of August, all of the European powers were at war with each other. The First World War had begun.

The dark side of recognition

The cause of great power war is one of the enduring questions of IR theory. Mainstream answers to this question tend to focus on the role of material variables – like the size of a country's military and economic power – and the security dilemma that results, in motivating the arming decisions of great powers. In this view, given the anarchic nature of the international system, states cannot be certain of other states' intentions and thus acquire material power for defense and security. The capabilities a state builds for its own defense, however, decreases the security of others, which respond in kind with military buildups of their own, the result of which is an action-reaction spiral that leads to security competition. This security dilemma highlights the tragic nature of international anarchy: states seeking nothing more than security and defense act as if they were aggressors, creating a self-fulfilling prophecy of competition and war. The First World War is often understood as a quintessential security dilemma. The uncertainty endemic to anarchy drove security-seeking European great powers to acquire power for their self-defense, which fueled an arms race. Fearing the disadvantage that would come from being unprepared for war, the great powers clung to rigid military mobilization schedules, which once set off could not be undone. By July 1914 this spiral of material insecurity had wound too tight, and Europe fell off the precipice into war.

In contrast, I argued that the decade preceding the First World War was animated by an insecurity of a different sort: uncertainty about their status in the European social order led the great powers to ground their identities in the discursive and material practices constitutive of great power status. With each diplomatic crisis, and the acts of misrecognition that fueled them, the great powers adhered more rigidly to the material practices related to great power identity. Thus, with each crisis political and military decision-making converged, so that by July 1914 the meaning of great power identity was synonymous with the ability to threaten and wage war. In short, the struggle for recognition, not the
security dilemma, was constitutive of the military mobilization schedules so many see as the primary cause of the war.

This argument has two implications for IR theory. First, in the above formulation the relationship between the material and the social world is inverted, so that the accumulation of material power is viewed as a practice that secures identity, not physical security. Thus, it is important to emphasize that these material practices are not used instrumentally by states to coerce others into recognizing them or to gain other material advantages. Rather, the material practice of power maximization is a central part of great power identity construction. Second, the argument highlights the destructive potential of the struggle for recognition on international politics. Several prominent theorists of recognition in IR view the struggle for recognition as productive of political community. That is, the struggle for recognition is a process whereby relations of mutual recognition can ameliorate the material uncertainty at the center of realist security dilemma theory (Wendt, 2003). My argument, in contrast, suggests that because the grammar of recognition drives states to ground their aspirant identities in material practices, great power identity formation will have significant destabilizing effects on the international system. This leaves a pessimistic impression about the potential of sustained and deep cooperation among great powers. Indeed, because the argument above is focused on the practices of identity construction, its logic operates on a deep level in the international system and suggests that states – or at the very least, great powers – might have to risk physical survival in order to secure identity.

Notes

1. In this chapter, I look at the struggle for recognition as it applies to status identities, not the formal legal recognition of statehood.
2. These are quotes by two Russian diplomats before the war.
3. On the role of the First World War in inspiring the concept of the security dilemma, see Lieber (2007).

References


Actors operating in a social system acquire an identity that includes a sense of who they are and where they stand in relation to others. Such a (subjective) identity enhances social relations only to the extent that it matches the perceptions of relevant interaction partners. Unless it is largely confirmed by their actions or communications, the resulting mismatch creates tensions that can be resolved either by an adaptation of subjective identities to prevailing perceptions or by an actor’s endeavours to change the latter. Thus, to remain ‘workable’, an agent’s identity constantly needs to be (re)negotiated with the surrounding social structure (Wendt, 1999, ch. 7). Sometimes, such a ‘negotiation’ may be quite easy. For instance, some agents may have become so insecure about (parts) of their identity that they search for social cues telling them ‘who they really are’. In other cases, however, agents are so firmly convinced of their subjective identity that they simply try to force their social environment to affirm it. Most of the time, however, identities are formed and adjusted in two-way communications, that is, they are reproduced and recognized in an ongoing ‘dialogue’ (Taylor, 1994).

By and large, these general observations also hold for groups or organized collectives, such as nations and states. To be sure, strictly speaking, states lack both consciousness and feelings. However, they are constituted by individuals who, to a greater or lesser extent, identify with ‘their’ state and/or nation. In particular, they identify with its symbols
and with the personal representatives who claim to act ‘on behalf’ of their state (and in many cases actually feel that way). Accordingly, a strong sense of belonging, a ‘we feeling’, shared by all domestic groups can bring about a pervasive homogenization of perceptions, convictions, norms, and political preferences. Recent empirical findings show that even identification with a large, amorphous group (such as an ‘imagined community’, to use Anderson’s prescient term) makes people actually experience its emotions, or to be more precise, the emotions they deem prototypical for group members. According to intergroup emotions theory, ‘emotions pertain to an identity and not to a biological individual’ (Smith and Mackie, 2008, p. 436). Consequently, both citizens and their representatives may just as eagerly insist on gaining foreign recognition for their national identity as individuals may care for being recognized in their distinctive personal identity (Honneth, 2012).

Recognition of status, that is, ‘respect’, is of special importance in this context. After all, both personal and national identities contain many elements their holders deem trivial or even undesired, and thus in no need of being recognized by their social environment (Appiah, 2005, pp. 108–9, 141). One identity dimension, however, is strongly appreciated by practically all human beings regardless of their personal traits: their social position as an autonomous, important, and esteemed actor. Social acceptance of one’s personal autonomy is essential, as it forms the very basis for acquiring a distinctive identity. This core element of status is usually called ‘dignity’. Its active denial (humiliation) is the most drastic form of disrespect. Yet, apart from demanding acceptance as free agents, actors also have a subjective sense of their relative rank within a social group (and also of their in-group’s standing relative to other groups). When others do not treat them according to this (subjective) social position, people experience this as an unjustified denial of their ‘proper’ rank. As status confers social influence, actors partly see such misrecognition as a threat to all kinds of material ambitions. However, apart from these instrumental motivations, actors also reject such disrespect for intrinsic reasons. Because they feel unduly ‘lowered’, they experience disrespect as an attack on their ‘true social worth’, which tends to make them angry at the offender (Miller, 2001). Such anger and the urge to redress the insufficient status recognition need not be very strong in each case (e.g. when the offender does not belong to one’s important reference groups or when the disrespected accords little weight to the misrecognized status marker). In other instances, disrespect may cause stern and even violent reactions, particularly if an actor is very status conscious and feels treated far below its ‘appropriate’ status
position. Thus, strongly disrespected actors respond with countermeasures to ‘teach the perpetrator a lesson’, to ‘get even’ with him. Often they break up cooperation until they finally attain ‘due respect’ (Miller, 2001; Ringmar, 2002; Wolf, 2011).

In this contribution we try to demonstrate that such behaviour can also be found among large collective actors, such as nation-states. In fact, we contend that often these social ‘mechanisms’ can better explain momentous shifts in foreign policy than more conventional readings that emphasize strategic calculations. To illustrate this claim we present two short case studies of great powers whose political elites felt disrespected by the leading states of contemporary international society: Wilhelminian Germany before World War I and India since independence. Both countries faced an established hegemon that (initially at least) did not treat them as an enemy, yet failed to accord them the peer status to which they felt entitled. Thus, elites in both capitals had both a reason and the international leeway to give status aspects greater consideration than usual, making the two countries good case studies for the investigation of (dis)respect.

Elites and publics in both Wilhelminian Germany and in India had sensed for quite some time that their economic and/or cultural achievements entitled them to a top rank in the international system. Yet, Imperial Germany failed to gain recognition as Britain’s equal, while India felt treated as a second-rate state, despite its ancient civilization and its persistent advocacy of peace. Consequently, the leadership in both states decided to acquire the status symbols they apparently required to gain recognition as a top rank nation: the Kaiserreich started to build a large battle fleet, and India launched its nuclear weapons program. Significantly, neither armament project was based on a consistent strategic rationale. On the contrary, both projects clearly antagonized the leading power of the day. Still, German elites persisted with their program, even though it turned Britain into a dangerous antagonist. India, in contrast, was more successful, as its American critic ultimately decided to accept India’s status claims, thereby paving the way to a new era of Indian-American cooperation.

**German naval politics – status-seeking or power politics?**

In December 1897, chancellor Bernhard von Bülow stated in his speech to the Reichstag that the German Kaiserreich demanded its ‘place in the sun’ (cited in Hewitson, 2004, p. 148).

These words were the kickoff for German Weltpolitik. During the chancellorship of Otto von Bismarck, German policy had still aimed at
consolidation and preventing wars through treaties. These guidelines of German policy changed with the accession of Wilhelm II and the policy of the ‘New Era’. Now growth, prosperity, and military power through a navy were the frame for German policymakers. The navy thus was seen as a means of achieving the end of becoming a *Weltmacht*. To attain this cherished position, the Reich extended its naval program, thereby confronting the other great powers in Europe with a new rising naval power that challenged the balance of power and guided them into a coalition against imperial Germany. Building a great battle fleet was the instrument to reach the goal of being treated as a world power – and that was the key issue for the German Reich under Wilhelm II (Hildebrand, 1995, pp. 207–12, 217–20).

We argue that German naval policy was guided by a status-seeking approach. It is widely assumed that the German naval policy cannot be fully explained by security or military aspects, because it did not follow a military-strategic goal. Instead, having a great battle fleet was seen as a necessity if the Kaiserreich wanted to secure world power status – this status dimension has to be added to the picture.

Because of his love-hate relationship with his British mother and the fact that Great Britain was the strongest sea power in Europe and the world, Wilhelm II also wanted to have a great fleet in order to gain recognition from Great Britain and thus to become the leader of a rising world power (Balfour, 1967, p. 208). Until 1894/95 the Kaiser favoured a cruiser fleet to protect the German colonies and trade. But after having read *The Influence of Sea Power upon History, 1660–1783* by American naval officer Alfred Thayer Mahan and under the influence of Alfred von Tirpitz, his later state secretary of the Imperial Naval Office, he shifted to a battle fleet. Now he was convinced that Germany had to expand and that a battle fleet would secure the German claim to world power status (Herwig, 2005, p. 127).

This dogmatic shift from a cruiser to a battle fleet was the crucial step in this regard. With a cruiser fleet, the navy could defend Germany’s colonies and its growing overseas trade. Yet according to Mahan, a cruiser fleet could not underpin world power. Only a great battle fleet was able – in the understanding of both Mahan and Tirpitz – to win the naval battles that were thought to bring the winner into the position of a world power. According to Mahan’s strategic views, Great Britain was now the power that had to be beaten: sea power meant world power, and since Great Britain was the greatest sea power in the world, the German Reich had to measure up to the Royal Navy to attain world power status.
With the appointment of Bernhard von Bülow as state secretary of Foreign Affairs and Alfred von Tirpitz as state secretary of the Imperial Naval Office in the summer of 1897, the patterns of German foreign and naval policy underwent a decisive shift (Kennedy, 1980, p. 233). Until the 1890s, German naval policy and strategy had focused on coastal defence. Up to this point, German grand strategy had still emphasized the supremacy of the German army. The strength of the Reich lay in its huge and well-trained army, which was a threat for the other European nations. Building a great battle fleet changed this priority. Now the navy became the relevant power factor for German policy. The ultimate goal of the Tirpitz Plan was world supremacy through naval supremacy, and so military strategy had to be subordinated to the status-seeking goal of ‘world power’ (Kennedy, 1980, p. 240).

As early as July 1897, Tirpitz had pointed out that the new opponent for Germany’s navy was Great Britain, rather than the Russo-French alliance. According to his influential memorandum, Germany’s strategic situation called for a large number of ships to be deployed between Heligoland and the Thames, because this would be the location of the decisive naval battle (Hobson, 2004, pp. 256–8). These considerations were the guideline of the first naval law, which the Reichstag passed in March 1898. This law was not explicitly directed against Great Britain, yet in a margin note by Tirpitz one can already find a strategic pointer against Great Britain: ‘in fact a power factor which works politically also against England’ (Lambi, 1984, p. 143). In the second navy law of June 1900, the anti-British tendency became more obvious. Tirpitz called for the doubling of the German fleet (Jaschob, 2012, p. 17) – a clear signal against Great Britain. The situation changed in 1906, for the draft of the new naval law even more clearly targeted British supremacy (Massie, 1993, p. 199). When Tirpitz proposed this new law to the Reichstag, his bill placed construction above war preparedness (Lambi, 1984, p. 269). With this proposal the German government reacted to the British invention of ‘Dreadnoughts’ by calling for the construction of six new capital ships. Because of the Reich’s increasing financial problems, the law of 1908 did not envisage the construction of additional battleships, but rather it only sped up production.

Since the beginning of the century, the naval antagonism between the German Reich and Great Britain had increased rapidly, now Great Britain recognized the German fleet as the most dangerous threat to British world power (Kennedy, 1980, p. 265). The German Naval Office (Reichsmarineamt) now faced a dilemma: evidently it had lost the arms race. Great Britain had increased its navy enormously, so it became
obvious that the German Reich could never construct enough capital ships to take on Great Britain. Still, the Wilhelminian Empire refused to give up or modify its naval policy, because sea power meant world power.

From a military-strategic point of view, the German Reich had built the wrong fleet. Once Great Britain had entered the naval arms race at the beginning of the twentieth century, the German Reich had no chance of building a fleet big enough to challenge British supremacy. The fact that the strategy was not changed indicates that the build-up of the German battle fleet was guided by status ambitions and world power fantasies. After all, the navy played an essential role in the nation-building process in the German Reich and – just as in Great Britain – ideas of world power were directly linked to the fleet and colonies (Rüger, 2007, p. 3). The fact that the German government held on to the dogmatic decision to build a battle fleet shows that the policy was not guided by rational principles following a realistic security logic but rather by status-seeking (Murray, 2010, pp. 681–2).

The struggle for recognition as a world power by means of a battle fleet

The process that led to the construction of the Reich’s battle fleet clearly indicates the importance of status motivations. The desire to build a great battle fleet gained momentum in the final years of the nineteenth century. Up to that point, German navy laws had largely responded to the rather limited wish lists submitted by the navy. There was no strategic plan (Berghahn, 1971, p. 56). Tirpitz changed this randomized practice, and he was deeply convinced of the Kaiser’s request for world power status. He wanted to establish the German Reich as a great sea power. This desire, rather than strategic reasoning, was the motivational force behind Tirpitz’ strategic naval program. In his speech to the Reichstag on the occasion of the debate about the first navy law, he stated,

From a military point of view you [the Reichstag, the authors] creates a power factor (Machtfaktor) for the German status within the Concert of Europe that – in 1904 – will have stopped to be a quantité négligeable. (1897, p. 45, translation S.-E. F. et al.)

This statement shows how important the new naval project had become for the German leadership. Yet, for Tirpitz and Bülow, the upcoming team of leaders for the next ten years, it was clear that the German
Reich had to become a world power and that a great battle fleet was the key to achieving this status. The main goal of the new law was the implementation of a strategic naval policy that would guide the German Reich into a strong position as a world power. For Tirpitz in particular, it was clear that with the absence of sea power, the ‘German international standing’ was like ‘a mollusc without shell’ (von Tirpitz, 1920, p. 50).  

Thus, the second navy law of 1900 strengthened military aspects compared to the first naval law, which had been mainly motivated by economic interests. Tirpitz used the upcoming economic rivalry with Great Britain to point out that without a strong battle fleet, the German Reich would not be accepted as a leading power by London (Berghahn, 1971, p. 184). Nationalist feelings were now linked to the wish to secure the envisaged world power status. Now there were two goals of German naval policy: having a great battle fleet to protect the Reich and its economic interests, and becoming more powerful on the world stage (Hobson, 2005, pp. 166–70). The official rationale came to rest on the highly questionable Risikotheorie, which assumed that threatening Great Britain would actually promote Anglo-German accommodation. Thus Tirpitz developed the idea of the Risikoflotte, aimed at Great Britain. He argued that the German fleet had to achieve two-thirds of the Royal Navy’s strength in order to make an attack on Germany too risky for Britain (Ullrich, 2007, p. 198):

> Germany must possess a battle fleet of such strength that a war even for the most powerful opponent at sea is such a dangerous undertaking that its own power position will be at stake. (Hobson, 2002, p. 244)

In any case, to attain such a powerful battle fleet, the law of 1898 would not suffice. Consequently, Tirpitz demanded a doubling of the fleet to be able to face Great Britain (Aktenstück Nr. 548, 1898/99, p. 3360). Germany’s global interests served as the official rationale for the second navy law (and also for the following laws of 1906 and 1908). To protect these rapidly growing interests and to strengthen the quest for world power status, the Reich was said to require a strong battle fleet – this was the mantra-like philosophy that was meant to satisfy the members of the Reichstag.  

Over time, such views increasingly also gained traction among German lawmakers and within the wider public. That the Reich was already a top-rank nation and that nobody could be allowed to dictate German
naval policy became one of the obvious facts for many lawmakers. As a member of the Reichstag, Ernst Bassermann (National-Liberal Party), stated in December 1905,

It is a sauciness (Keckheit) unparalleled when English politicians, English naval officers, when the English press wants to ban us from expanding our armour for peaceful purposes. On the size of her fleet Germany decides by herself. (1905, p. 180, translation S.-E. F. et al.)

Bassermann expressed the widely shared public perception that Germany already deserved world power status, but was not yet properly recognized by other powers (Hildebrand, 1995, pp. 217–20). With his tongue-in-cheek expression he wanted to illustrate the foreign disrespectful handling of German decisions. To demonstrate the public’s belief in German world power at the beginning of the twentieth century, leading public intellectual Hans Delbrück stated,

We want to be a world power and pursue colonial policy in the grand manner. That is certain. There can be no step backward. The entire future of our people among the great nations depends on it. We can pursue this policy with England or without England. With England – means in peace; against England means – through war. (1899, p. 588, translation S.-E. F. et al.)

Delbrück linked German world power ambitions directly to British behaviour. If Great Britain did not accept the German desire to be a world power, the German Kaiserreich would try to reach this position also by the use of force. This world power thinking was deeply rooted in German society. The German leadership was committed to acquiring the role of a world power, because of the status-motivated thinking that arose from imperialism and Social Darwinism (Berghahn, 1971). But also the public believed in the necessity of world power status, because it promised a glorious future as a top-rank nation and strengthened positive economic development, and because the fleet worked as a symbol of the whole nation (Rüger, 2007, p. 144).

The main motivation for the new naval strategy thus was status. As we have shown above, status and the battle fleet were rhetorically linked, and the fleet had a huge symbolic meaning. The naval program was designed to attain recognition as a world power. The military aspects and the risks for German security were subordinated as over time the aspects of ‘status’ and of being ‘against Great Britain’ became ever more
dominant. Thus, insufficient status recognition, as the British behaviour toward Germany was understood, rather than ‘objective’ conflicts of interest, ultimately fed the Anglo-German antagonism. Bülow's demand for a ‘place in the sun’ exemplifies the German desire for respect. When this need failed to be met, alternative realpolitik options were hardly considered. The linkage between the fleet and Germany’s status ambitions had already become too strong.

The genesis of and motives for India’s nuclear weapons program

Another incident of an emerging power’s arms build-up was the Indian nuclear weapons project. We will examine India’s motives by analysing the decision to seek a nuclear weapons capability in the 1950s, the first nuclear test in 1974, and the series of nuclear explosions in 1998 (after which India built a full-fledged nuclear deterrent).

India’s nuclear policy has been a double-edged sword from early on. On the one hand, New Delhi vigorously championed the cause of (nuclear) disarmament, while on the other, India sought and eventually developed nuclear capabilities itself. Limiting the spread of nuclear weapons and ultimately abolishing them was an ethically laudable goal that was supported by Mahatma Gandhi’s ideology of peace and non-violence (Ganguly, 2010, p. 1). However, advocating nuclear disarmament was also a means of advancing India’s standing in the international community. India’s inferior role as a state that was – to quote the country’s first prime minister, Jawaharlal Nehru – ‘so small so insignificant, so lacking in worth or strength, that it cannot say what it wants to say’ (cited in Mushirul, 2007, p. 6), was grossly at odds with the ‘distinctive and important role’ Nehru claimed for India in Asia (Chopra, 1968, p. 82) and elsewhere (Jabeen, 2010, p. 241).

It was this status mismatch that caused a deep sense of humiliation among the Hindu elite (Sagar, 2009, p. 806) and prompted Nehru to look for ways to raise his country’s standing. In this respect he placed his bets on the disarmament issue and introduced India as a ‘power for peace and for the good of the world’ to the United Nations in 1948 (Möller, 2007, p. 121). In the mid-1950s, he reiterated the link between status-seeking and New Delhi’s disarmament agenda by concluding – in a speech on arms control – that ‘[i]f we have attained some respect in the eyes of the other countries of the world [...] it is because we have spoken with some sense of responsibility [...]’ (cited in Gupta, 1976, p. 239). However, Nehru’s words indicate that the political leadership still did
not feel that adequate respect was paid to their country. To make things worse: the reconciliatory approach pursued by India eventually failed to win traction in the context of the Cold War, which became the dominant factor in international relations. As a result, the momentum of New Delhi’s disarmament agenda faded and so did its standing (Abraham, 1998, p. 146).

Nehru noticed this unwelcome change. Although he did not want to abandon Gandhi’s principles in public, he acknowledged that ‘in so far as international policy is concerned [...] it is not the rightness of a proposition that makes it listened to but rather the person or the country which says so and the strength behind that country’. To put it bluntly, ‘[N]obody will listen to you if you are weak’ (cited in Kapur, 2001, pp. 67, 81). Against this backdrop, India started to embrace the nuclear option (Abraham, 1998, pp. 146–50). Nehru made the decision to acquire a nuclear weapons capability in the mid-1950s and ordered his scientists to work on a nuclear energy program in the open, while secretly advancing a project for military purposes (Goldschmidt, 1982, p. 185).

In view of the perceived lack of respect paid by international society, the nuclear weapons option was seen as a means of allowing the country to bolster its standing as an independent and advanced power. According to Shibban Lal Saksena, who made the case for going nuclear in the Indian parliament, international respect was ‘directly proportional to [...] armed might’. In other words, the bomb was a perfect means for rising to a new status level. Saksena explicitly argued that ‘if India which has been a slave country for the last two hundred years is to come unto her own she must very soon come in line with the great powers of the world, and for that we must develop our military potential’ (cited in Perkovich, 1999, p. 19). Raja Ramanna, one of the country’s leading nuclear scientists, disclosed later that New Delhi’s nuclear project was indeed a reaction to India’s inability to draw international attention to its efforts to raise its social rank. According to Ramanna the Western ‘criterion for measuring [a country’s] success was different [from India’s] in the sense that they judged the success of a country by its material acquisitions and its overt proof of development [...] India didn’t conform to any of these [...]’ (cited in Abraham, 1998, p. 1).

The nuclear weapons program remained an opaque one until 1974, when Indian nuclear scientists used the knowledge they had gained over the years and conducted what was portrayed as a ‘peaceful nuclear explosion’ – leading to an outburst of pride and a great sense of achievement among the public and the political elite alike (Abraham, 1998, p. 113). The test was seen as a move to counter the undeserved exclusion
from the ‘nuclear club’ and other global power circles. Since the Nuclear Non-Proliferation Treaty (NPT) distinguishes between the five legitimate nuclear weapons states and all other countries that are expected to use nuclear energy only for peaceful purposes, the accord has always been a thorn in the side of India, cementing what it saw as an unfair discrimination of the nuclear ‘haves’ and ‘have-nots’ (Paul, 1998, p. 5). This was humiliating for the strategic elite who viewed India as an ancient civilization with the most developed political institutions that was destined to be a regional hegemon, if not a global one, and nevertheless was bypassed by influential states like China, the Soviet Union, and the United States (Frey, 2006, pp. 127–9). According to Ramanna, then-Prime Minister Indira Gandhi thought that the explosion was necessary ‘for the simple reason that India required such a demonstration [to protest against its exclusion from the nuclear club]’ (Ramanna, 1991, p. 89). ‘In this context alone’, Ramanna added, ‘it seemed [...] relevant when the Western world expressed bewilderment’ (Abraham, 1998, p. 1). The assessment that the ‘peaceful nuclear explosion’ was a reaction to what the Indians saw as disrespect on the part of the leading powers, especially the United States, is corroborated by former president Ramaswamy Venkataraman, according to whom the ‘test in 1974 was a protest against [the] arbitrary, discriminatory and unfair NPT’ (cited in Vivekanandan, 1999, p. 359). The main purpose of the explosion was ‘to show our Western counterparts, who thought little of us those days, that we too could [build the bomb]’ (Frey, 2006, p. 63). Such an approach fits the above-mentioned behaviour resulting from perceived disrespect. The status-seeker defies the social hierarchy out of anger over its treatment.

Another sea change in India’s nuclear policy occurred in 1998, when not just one but several tests were conducted. This series of explosions paved the way for the build-up of an open nuclear deterrent. After having insisted on the ‘peaceful’ character of the test in 1974, New Delhi ultimately decided to become a nuclear weapons state. This development occurred under the leadership of the Hindu-nationalist Bharatiya Janata Party (BJP). The administration of Prime Minister Atal Bihari Vajpayee firmly believed that India’s advanced scientific and military might would be recognized once it had built nuclear arms (Frey, 2006, p. 71; Kampani, 1998, p. 13). Vajpayee’s justification of his party’s nuclear agenda in 1996 is a case in point. From his point of view, it was India’s task to ‘regain its lost pride’ by claiming ‘its rightful place in the comity of nations’ (cited in Perkovich, 1999, p. 374). Jaswant Singh, then the deputy chair of the powerful Planning Commission, argued that his party’s nuclear policy reflected India’s determination to seek ‘its rightful
place in the sum of the calculus of the great powers’ (cited in Kampani, 1998, pp. 18–19). What is more, the status argument had been sharply on the rise in the public debate in the years before the tests (Frey, 2006, pp. 125–42).

**Deterring rivals? The pitfalls of conventional wisdom**

However, understanding India’s nuclear arms build-up as a status-related endeavour is at odds with conventional wisdom about nuclear proliferation. Compared to material explanations, the striving for a higher international standing is usually considered a minor factor, if at all (Waltz, 1981). In accordance with conventional wisdom, some scholars have argued that New Delhi’s nuclear policy was a reaction to the nuclear arsenals of its regional rivals, especially China (Cohen and Dasgupta, 2010; Karnad, 2008; Kennedy, 2011; Paul, 1998). In this regard, it is striking that the military program was set up *before* India became concerned about China’s nuclear ambitions. Relations between New Delhi and Beijing were far from troublesome in the mid-1950s. Nehru even embraced the idea of Indian-Chinese brotherhood, and both states concluded a treaty assuring mutual cooperation and peaceful coexistence in 1954 (Hansen, 1967/68, pp. 235, 246). The Indian interest in its neighbour’s nuclear ambitions remained limited until 1962, when both states fought a war (Perkovich, 1999, pp. 35–47).

Nor was the timing of the 1974 test foreseeable from the above-mentioned neo-realist point of view. India had not been involved in a severe crisis with any of its neighbours after the 1971 war with Pakistan. In addition, it was this very war that demonstrated, first, that New Delhi was conventionally superior to Islamabad and, second, that Beijing was *not* willing to use any means and opportunity to weaken India. Otherwise, it would have hardly remained on the sidelines in 1971 (Gupta, 1983, p. 4). The emergence of Pakistan’s own nuclear weapons program, on the other hand, constituted a serious threat that, however, was not invoked to justify the 1974 test (Perkovich, 1999, p. 165). In addition, the single nuclear test, while certainly constituting a power demonstration, would hardly have been sufficient to deter China, another key rival, given New Delhi’s lack of suitable delivery vehicles (Abraham, 1998, pp. 143–4). In retrospect Prime Minister Indira Gandhi even acknowledged the lack of security-related motives for the explosion (Perkovich, 1999, pp. 177–8).

Neo-realist explanations seem to fare better with regard to the *official* justification of the 1998 tests. Prime Minister Vajpayee argued – in a letter to President Bill Clinton – that his country had been obliged to
conduct the explosions due to the threat posed by China, citing their border dispute and Beijing’s military support for Pakistan (Kampani, 1998, p. 16). However, the credibility of these arguments is questionable. Chinese President Jiang Zemin had promised to cease arms transfers to India’s enemy while visiting New Delhi in 1996 (Perkovich, 1999, p. 387). Also, border security tremendously improved following confidence-building agreements that included the mutual withdrawal of some mountain squads (Kampani, 1998, p. 16; Perkovich, 1999, p. 387). In other words: those shifts that occurred in India’s security environment actually lowered the threat that India was facing (Kampani, 1998, pp. 13, 16; Mistry, 1998, p. 26). Furthermore, New Delhi had not worked that intensively on delivery vehicles and did not possess any capabilities allowing it to carry a nuclear warhead deep into China (Cohen and Dasgupta, 2010, p. 13). When India conducted its nuclear explosions in 1998, it did not even have a strategic doctrine clarifying the military role of atomic devices (Perkovich, 1999, p. 431). In fact, the entire nuclear build-up was based on the principle of ‘Arming without Aiming’ (Cohen and Dasgupta, 2010). Apparently, the pursuit of nuclear weapons was thus not rooted in security concerns (Perkovich, 1999, pp. 446–55).

To summarize and conclude, the root cause of New Delhi’s nuclear ambitions is to be seen in the fact that the international community had failed to grant India its self-ascribed importance. This is illustrated by Nehru’s decision to seek international respect by promoting peace and disarmament, and to turn to the nuclear option only at a later stage, when he concluded that the reconciliatory approach had not won New Delhi recognition of its self-ascribed rank. Overcoming this state of affairs was the core reason for launching the nuclear weapons program in the 1950s, as the statements by Shibban Lal Saksena and Nehru himself underscore. The above-quoted declarations disclose that later generations of decision-makers were largely driven by the same desire. Nuclear weapons were first and foremost thought of as instruments for advancing India’s envisaged rise to an ‘appropriate’ status level (Subramanyam Raju, 2001, p. 127). This assessment is underscored once again by Raja Ramanna, according to whom the project ‘was a matter of prestige [...]. The question of deterrence came much later’ (Frey, 2006, p. 63).

**Conclusion**

The two case studies highlight interesting parallels in German and Indian policies, all of which point to the influence of status motivations: in both countries, there was a widely shared perception that the nation
was not duly respected by the most important contemporary powers. Consequently, both countries initiated very expensive armament programs to attain the ultimate status symbols of the day: a battle fleet in the case of the German Kaiserreich and nuclear weapons in the case of India. Apart from straining tight national budgets, these programs also came with huge diplomatic costs inasmuch as they antagonized other important players, including the leading states of the existing system. As a result, they hardly increased India’s and Germany’s international influence, but rather contributed to their self-isolation. Most strikingly, the procurement programs served no consistent strategic rationales. In the German case, one might even argue that the battle fleet undermined national security because it needlessly antagonized Britain while diverting scarce funds from the army – that is, from the service that actually played a crucial strategic role for an almost land-locked power. In light of these costs and drawbacks one can hardly avoid the conclusion that both programs primarily served the status ambitions of their initiators.

However, there is also a striking difference concerning the ultimate outcomes of the two armament programs that attests to the long-term importance of (dis)respect: unlike India, Wilhelminian Germany failed to secure the desired status recognition. It lost the naval arms race to Britain and became increasingly isolated in the diplomatic arena. Instead of ensuring recognition as a world power second to none, its armament policies created anxieties in foreign capitals and a powerful countervailing coalition. British leaders, in particular, considered the German fleet as an unprovoked threat. The more ships the Kaiserreich built, the less Britain was interested in an Anglo-German entente, let alone in a partnership of equals (Hildebrand, 1995, pp. 221–89). Eventually, Berlin’s elusive quest for London’s ‘proper’ recognition turned the British into Germany’s most dangerous opponents.

India, on the other hand, eventually succeeded in gaining recognition as a major power. While it could not be awarded the status of an official nuclear weapons state, it eventually brokered a nuclear deal with Washington, which at least implied inherent recognition by the global hegemon. Ultimately, New Delhi managed to persuade U.S. decision-makers that they could no longer treat India as an insolent nuclear upstart that had to be kept in its inferior position. Previously had given Washington’s sanctions policy way to cooperative moves in various fields. Starting in the final years of the Clinton administration, India was increasingly seen and treated as America’s partner – still not as its equal, but as a crucial global player that deserved a place at the highest
tables, in particular permanent membership in the UN Security Council. Not surprisingly, India responded with cooperative moves of its own (Fikenscher, 2012). Freed from the imperative to make Washington respect India’s status claims, New Delhi could shift to a more pragmatic approach that paved the way to collaboration (Talbott, 2004, pp. 180–4).

Notes

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2. The Kaiserreich failed in reaching other world power attributes, like a large number of colonies. As a late-coming nation, it found the world was already divided up. To make up for this disadvantage, the Reich started to build a great battle fleet as a symbol of its desired world power status.

3. The Kaiser played a crucial role in the decision-making process about a new naval strategy, but he did not have enough assertiveness to decide everything on his own. For detailed discussions of the role of Wilhelm II in the system of the Reich, see Clark (2008); Nipperdey (1993); and Röhl (2001).

4. The contents and developments of the German navy laws can be found in Epkenhans (1991) or Berghahn (1971).

5. Translation by authors, original: ‘die deutsche Weltgeltung wie ein Weichtier ohne Schale’.

References


6
Understanding the Puzzle of Unequal Recognition: The Case of the Nuclear Non-Proliferation Treaty

Caroline Fehl

Recognition and global political order

Struggles for recognition have long constituted a central focus of discussion in Political Theory, as reflected in the work of Charles Taylor (1994), Nancy Fraser (1997; Fraser and Honneth, 2003), and, above all, Axel Honneth (1992; 1996; 2004). More recently, the debate has crossed the disciplinary boundary into the field of International Relations (IR). A growing number of International Relations (IR) scholars draw on it to explore how the desire of state and non-state actors to have their identities or social status recognized by others can drive and shape international conflicts (e.g. Agné et al., 2013; Greenhill, 2008; Lindemann and Ringmar, 2012).¹

In line with its philosophical roots, this new IR literature understands international recognition struggles as emancipatory, that is, as directed against (perceived) inequalities of political order. Accordingly, IR theorists working from a systemic sociological perspective have pointed to recognition struggles to explain the destabilization of historical interstate hierarchies, from the Holy Roman Empire to the Soviet sphere of influence (e.g. Reus-Smit, 2011; Wendt, 2003). Responding to this line of argument, I argue in this chapter that the impact of recognition dynamics on global order can be more complex and more ambivalent. While the struggle for recognition may often be an equalizing force for change in world politics, recognition theory can help us understand not only the collapse but also the creation and stability of unequal order.
I develop this argument in studying the creation of the nuclear Non-Proliferation Treaty (NPT), probably the clearest contemporary case of an unequal yet almost universally recognized international institution. The NPT differentiates between five legitimate ‘Nuclear-Weapon States’ (NWS) and the remainder of ‘Non-Nuclear-Weapon States’ (NNWS), which renounce their right to the possession of nuclear arms. Although this unequal distribution of nuclear rights has been criticized as ‘discriminatory’ ever since the inception of the treaty, the latter has outlived repeated predictions of imminent breakdown (Epstein, 1976; Falk, 1977; Nye, 1985). Current controversies surrounding the nuclear programmes of Iran and North Korea make it all too easy to forget that the unequal nuclear order created with the NPT almost half a century ago is still almost universally accepted (Müller, 2010).

The NPT’s creation and longevity in spite of its unequal nature represent a puzzle to recognition theory – a puzzle that, one might think, can only be resolved from an alternative theoretical viewpoint. An obvious candidate for such an alternative perspective is a rationalist theory of hierarchy that interprets unequal order as resting on a mutually beneficial contract between strong and weak states (e.g. Lake, 2009). The NPT, which is widely depicted as the product of an economic and security ‘bargain’, appears as an almost ideal-typical illustration of this type of argument. The non-nuclear states, it seems, subordinated their recognition needs to the material benefits they expected to derive from the treaty. This account implies that recognition theory can contribute little to our understanding of the NPT’s origins. In fact, where it has been applied at all to the analysis of nuclear politics, it has been used to explain resistance to the nuclear order, as in the case of Iran (Hummel, 2012).

While not denying that disputes such as the one over Iran’s nuclear programme can be usefully understood as recognition struggles, I contend that recognition theory can tell us more about the global nuclear order. In the analysis that follows, I seek to demonstrate that the popular account of the NPT bargain remains incomplete in several respects and that states’ demands for recognition were indeed influential in shaping the 1968 treaty. Recognition theory can thus shed light not only on resistance to the unequal NPT but also on why it gained such wide acceptance and on why so many states have not defected from it.

The remainder of the chapter is structured as follows: in the next section, I sketch the ‘rational contract’ approach to international hierarchy and discuss its merits and shortcomings in explaining the creation and durability of the unequal nuclear order. In the third section, I set
out a recognition theoretical alternative, discussing why and how the social theoretical concept is at all applicable to IR and how it can make sense of the phenomenon of unequal order. The fourth section applies the argument to the NPT.

**Shortcomings of a rational contract perspective on the nuclear hierarchy**

IR theorists have recently paid increasing attention to historical and present manifestations of *hierarchical order* in the international system, which include such diverse phenomena as colonialism, dollarization, or the institutional privileges of the UN Security Council’s permanent members (Dunne, 2003; Hobson and Sharman, 2005; Lake, 2009; Reus-Smit, 2005; Weber, 2000). Scholars have advanced a range of explanations for the existence of ‘hierarchy within anarchy’ (Donnelly, 2006). One line of argument, put forth most prominently by David Lake, understands international hierarchy as resulting from an ‘exchange between ruler and ruled’ in which the weaker state voluntarily accepts its subordination to the stronger state (in specific issue areas) in exchange for the benefits of the political order guaranteed by the latter (Lake, 2009, p. 29). In other words, the unequal international order represents a rational equilibrium that neither side has any incentive to disturb.  

At first sight, this argument seems well in line with standard accounts of the NPT’s underlying rationale. The nuclear non-proliferation regime is widely described as resting on a ‘bargain’ between nuclear and non-nuclear states: the latter agreed to give up nuclear weapons in exchange for improved access to civilian uses of nuclear energy, inscribed in the NPT’s Article IV, and in return for the promise of nuclear powers, under Article VI of the treaty, to pursue disarmament negotiations in the future (e.g. Du Preez, 2006; Müller, 2010; Smith, 1987). While the first element of the deal promised economic gain, the second has been interpreted as an attempt to resolve, in the long run, the ‘security dilemma’ that non-nuclear states faced in renouncing nuclear weapons (Müller, 2008, p. 71). A third dimension of the NPT bargain, discussed at times as an addition and at times as an alternative to the disarmament deal, is seen in the immediate security benefits that NNWS derived from a world with fewer nuclear weapons (e.g. Nye, 1985; Scarlott, 1991, p. 692; Scott, 2008, p. 106) and from implicit negative security assurances and/or extended deterrence guarantees by the nuclear powers (Epstein, 1976, p. 105; Hassner, 2007, p. 460; Paul, 2003; Rühle, 2007, p. 513). In this perspective, it is precisely the nuclear states’ remaining ‘margin of power’ that
enables them to guarantee the maintenance of the order beneficial to all (Bellany, 1977, p. 597; similarly Frederking, 2009).

On the face of it, there thus seems to be great deal of support for an interpretation of the NPT as a rational contract from which non-nuclear states derived security and economic benefits in return for their (temporary) subordination to the nuclear powers. At a closer look, however, only one of the three elements of the bargain is relatively undisputed. There is broad agreement among analysts that the lure of a new form of energy production, seemingly immune to the problems of a fossil economy, was a major motivation for many states to sign up to the NPT (e.g. Du Preez, 2006; Müller, 2010; Smith, 1987).

The second element of the deal, disarmament, leaves open a number of questions that are hard to answer from a rationalist perspective focusing on issue-specific cost-benefit calculations alone. First, the argument that NNWS gave up the potential security benefits of a prospective nuclear weapons capability in exchange for NWS’ long-term disarmament promise does not apply to the majority of non-nuclear NPT members, which never had the intention – or indeed a realistic prospect, given their economic and technological resources – of acquiring nuclear weapons in the first place (Krause, 2007, p. 490). This is not to deny that, in the negotiations on the NPT as well as at later NPT Review Conferences, the issue of NWS disarmament was pressed by broad coalitions of states, including not only erstwhile or current nuclear threshold states but also smaller countries that never had nuclear ambitions – such as Ireland, a member of the New Agenda Coalition (Rauf, 2000; Shaker, 1976, pp. 527–34). Yet, it is implausible that the latter advocated NWS disarmament to resolve a security dilemma – such a dilemma only exists for states that have a choice of arming or disarming themselves.

Second, even with regard to former nuclear threshold states, such as Sweden, the argument is not wholly convincing. In 1968, many non-nuclear states that had demanded disarmament commitments by the nuclear powers were highly dissatisfied with the eventual negotiation outcome (Epstein, 1976, pp. 80–2; Krause, 2007, p. 488). Their criticism suggests that they did not view Article VI as an effective guarantee of the nuclear states’ actually disarming in the foreseeable future. Consequently, the ultimate decision of some of the critics to join the NPT can hardly be explained with the argument that Article VI resolved their security dilemma. Even less persuasive is the idea that NNWS such as Sweden still lobbied for NWS disarmament decades after their decision to renounce nuclear weapons – for instance, in the negotiations on the NPT’s extension – to resolve a perceived security dilemma.
Lastly, an interpretation of the NPT’s disarmament component as a rational deal between nuclear and non-nuclear states is hard to square with the fact that the formers’ widely criticized ‘reneging’ on their disarmament commitments to the present day (e.g. Scott, 2008, p. 110) has provoked neither mass defections from the treaty nor a new wave of nuclear weapons programmes, contrary to repeated predictions.

The third dimension of a potential rational NPT bargain, the provision of order by the nuclear powers in exchange for the subordination of non-nuclear states, seems more applicable than the proposition of a disarmament deal to small NNWS, which were never interested in or capable of acquiring a nuclear weapons capability. However, it is rather ill at ease with the observation that several non-nuclear states, particularly those closer to the nuclear ‘threshold’, expected the NPT to have a negative impact on their national security. The German government, for instance, still considered an independent nuclear capability as indispensable to national defence until late in the NPT negotiations, and was highly distrustful of the credibility of US extended deterrence guarantees (Küntzel, 1992; Rost Rublee, 2009, pp. 190–1).

In summary, an explanation of the unequal NPT in terms of a security and economic bargain between NWS and NNWS has serious limitations. The attraction of civilian nuclear energy production was certainly a factor, but is this really the whole story? If so, why didn’t at least the bigger non-nuclear states reconsider the bargain once they had gained secure access to civilian nuclear technology? Why was disarmament apparently such a ‘big deal’ for both small and big NNWS, not only in the original negotiations on the NPT but also in recent NPT Review Conferences, and why have most of them thus far nevertheless adhered to the NPT in the face of the NWS’ widely criticized failure to live up to their disarmament commitment?

**Bringing in recognition theory**

Recognition theory, I contend, can provide answers to these open questions. In developing these answers, I draw on Honneth’s social psychological theory of recognition and on Fraser’s critique of the latter. According to Honneth (1996), human beings have an innate desire to be recognized by others. He distinguishes three basic patterns of recognition: (1) love, a positive response to the individual’s emotions and physical needs from which he/she gains self-confidence; (2) the granting of equal rights with other members of society, which the individual experiences as respect; and (3) solidarity, the recognition of the individual’s
personal traits and achievements that distinguish him/her from others, which gives him/her self-esteem. Experiences that violate these basic recognition needs are at the origin of political struggles that diverse social groups have led within their wider societies.

Transferring Honneth’s concept to states as individuals in an international ‘society’ seems an intuitive step: states want physical security and a basic recognition of their sovereignty (the equivalent of ‘love’), equality of rights with other states, and recognition of their distinct national identities and achievements. The only problem is that states are not people and thus cannot be analysed in psychological terms. Neither does the shortcut argument that heads of state are human beings appear persuasive: hopefully, these leaders base their decisions on role expectations that require them to distinguish personal feelings and raison d’état. Here, Fraser’s alternative reading of recognition struggles within societies is helpful. To her, misrecognition as a form of societal injustice must not be understood primarily as a personal psychological experience but as an institutionalized pattern of assigning certain individuals and groups an inferior social status (Fraser and Honneth, 2003, p. 29).

Such an interpretation of (mis)recognition can also be applied to the world of international institutions with which this chapter is concerned, rendering it unnecessary to resort to psychologizing explanations of state behaviour. At the same time, it appears plausible to retain Honneth’s distinction between love (understood as security), equal rights, and national identity as different recognition needs also within the world of states. The first dimension, security, is less interesting for this paper, as it is central to conventional theories of international politics. The second is critical to both Honneth’s and Fraser’s theories, which agree in particular on the importance of a parity of participation in societal matters (Honneth, 1992, p. 191; Fraser and Honneth, 2003, p. 36). The third, individual identity, is collapsed with the ‘rights’ category in Fraser’s notion of social status. And yet, we can plausibly construe the international recognition of a national identity and of unique national achievements as something that governments may pursue independently from the question of equal rights – not out of a personal psychological impulse but because such a policy may score points with electorates.

A corollary of this non-psychological reading of recognition theory is that, unlike many IR scholars who use recognition theory in their work, I do not understand the theoretical approach used here as being per se opposed to a concept of instrumental rationality and to a sophisticated understanding of rational institutionalism. Recognition politics are not necessarily ‘emotion-driven’, but can be based on interests
concerning broad questions of world order and social status, rather than issue-specific interests as emphasized by standard rational institutionalist analyses.

So, if states have an interest in the recognition of equal rights and of their individual identities and achievements, how does this account for the NNWS’ acceptance of the NPT? The answer I want to propose lies in understanding the **multidimensionality** of recognition dynamics in world politics, that is, the fact that states (like all political actors) have multiple recognition needs that can be met in a variety of ways. The argument is illustrated in the following analysis, which builds on earlier studies of the nuclear non-proliferation regime, but also goes beyond these existing accounts by highlighting more neglected impacts of recognition struggles on the NPT’s creation and evolution and by integrating different dynamics into an overarching recognition theoretical framework. Methodologically, the relevance of recognition needs is demonstrated by (1) showing that their impact can elucidate negotiating processes and outcomes that are puzzling to an alternative theory of hierarchy and by (2) tracing references to recognition needs in the public discourse of political actors and observers. This focus on public, as opposed to private, discourses is unproblematic for my analytical purposes. Since I understand recognition politics among states as encompassing instrumental as well as non-instrumental motivations, the typical problem of how to ‘look into the minds’ of leaders to distinguish between the two does not pose itself in the case at hand.

**Recognition dynamics in the NPT**

**Parity of participation in the NPT negotiations**

The first type of political demand that recognition theory would expect to be of critical importance in international politics concerns the recognition of states’ **equality of rights**. While the NPT’s distinction between NWS and NNWS runs counter to this recognition need, neither the treaty’s design nor the process through which it was brought about can be fully understood without reference to it.

This is perhaps most evident with regard to the treaty’s contested disarmament article. Several analysts argue that the insistence of NNWS on this clause was ‘a question of principle’ (Scott, 2008, p. 108) and that it can best be understood in terms of the ‘normative satisfaction’ it conveys (Müller, 2010, p. 191). What these comments refer to is the ‘perspective of elimination of inequality within the treaty community’ in
a factually distant but symbolically important future when all states will have given up nuclear weapons (Müller, 2010, p. 195). In the language of recognition theory, this means that Article VI made the NPT more acceptable to the NNWS by qualifying its non-recognition of their equal nuclear rights as temporary and exceptional.³

This familiar argument is not the only conceivable recognition-theoretical reading of the NPT’s disarmament clause, however. Apart from qualifying the substantive inequality of nuclear rights at the heart of the treaty, Article VI also had an often overlooked procedural dimension that relates closely to Honneth’s and Fraser’s idea of ‘parity of participation’ in the making of societal rules. The procedural importance of the clause lies in the fact that it places some commitments on the nuclear powers and thus underlines the notion that agreements should be based on mutual (reciprocal) concessions by all parties, even if these concessions vary in size.

This principle, discussed by negotiation theorists as a form of ‘procedural justice’ (Albin, 2001, pp. 39–40; Welch Larson, 1998), was clearly reflected in the public discourse of negotiating parties. A formula used widely during the NPT negotiations demanded that the NPT include an ‘acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear powers’ (UN General Assembly, 1965). A Polish government official, speaking at an academic conference preceding the adoption of the NPT, explained the idea as follows:

How would the balance of mutual responsibilities and obligations be reached – or to put it more bluntly: what would the non-nuclear countries receive in return for their renunciation of acquiring nuclear weapons? [...] The treaty we are seeking should not provide for unilateral obligations. It should not enjoin nuclear abstinence to one group of states, while leaving complete freedom of action to the other. It should place restrictions, though different in character, on all. (cited in Dombey, 2008, pp. 41–2)

The phrase ‘different in character’ is the critical part. A differentiation of substantive nuclear rights was apparently something that NNWS could live with, but only as long as the treaty upheld their participatory equality by subjecting all member states to some constraints of their nuclear freedom.

A recognition-theoretical reading of the NPT’s disarmament article can thus elucidate the importance that big and small non-nuclear states have always accorded to this point, and the widespread discontent about
nuclear states’ perceived ‘reneging’ on their disarmament commitments (Scott, 2008, p. 110). In particular, the centrality of procedural equality concerns explains why the nuclear states’ acceptance of ‘Thirteen Steps’ toward disarmament at the 2000 NPT Review Conference was so important in ensuring the treaty’s continued legitimacy after its indefinite extension, and why the United States’ subsequent refusal to recognize those steps spelled disaster for the 2005 NPT Review Conference (Müller, 2005; 2010, p. 194). The American posture at this meeting – which was partly supported by France – mirrored the George W. Bush administration’s broader effort to promote a revisionist reading of the NPT’s history: non-proliferation was interpreted as the historical core of the treaty and as primary to its other two pillars, disarmament and peaceful use of nuclear energy. Such an interpretation would have fundamentally altered the balance of mutual responsibilities agreed in 1968, and was thus unacceptable to the NNWS (Franceschini, 2012, pp. 6–7; Müller et al., 2012, pp. 105–8). The latter had always been angered by the slow pace of nuclear states’ disarmament efforts, but had been able to extract important concessions such as the ‘Thirteen Steps’ in response to their recognition needs. In contrast, the overt non-recognition of the mutuality of obligations – and, by implication, of the participatory equality of NPT members – had a different quality, which created a serious risk of provoking defections (Müller, 2010).

But it was not only the agreement on a mutual balance of responsibilities that signalled the commitment of NPT members to states’ parity of participation. Other key aspects of the NPT negotiations and of the treaty that emerged from them also responded to demands for the recognition of procedural equality.

First, the conclusion of the NPT was enabled by a negotiating process that, albeit still exclusive, was viewed by contemporaries as a significant step toward greater participatory equality in global affairs. The drafting of the NPT took place in the new Eighteen Nation Disarmament Committee (ENDC). Prior to the creation of this forum, arms control negotiations at the United Nations had been treated as an exclusive domain of the great powers; only six smaller states from the two superpowers’ spheres of influence had been additionally admitted in 1959 (Verona, 1978). Against this background, the creation of the ENDC represented a remarkable opening of the negotiating process. While it invited only eight newcomers to the negotiations, these represented the group of non-aligned states, and thus a large part of the world that had previously been completely excluded from arms control talks. In the view of contemporaries, this step effectively replaced the ‘closed
framework’ in which ‘states were prevented from exercising their right to participation in the solving of the relevant problems’ with a ‘multilateral’ process (Verona, 1978, p. 201). It also opened the door to further rounds of enlargement, which eventually produced today’s Conference on Disarmament (CD) with currently 65 members.

How critical was this opening of the negotiating process to the NPT’s widespread and lasting acceptance? While this counterfactual question is hard to answer directly, an indirect indicator of the importance that non-nuclear states continue to place on participatory equality in global arms control negotiations is their reaction to repeated challenges to the multilateral negotiating framework. In the years and decades that followed the adoption of the NPT, key problems of nuclear arms control and disarmament were time and again shifted out of the multilateral forum into bilateral talks between the superpowers or into exclusive groupings such as the Nuclear Suppliers Group or, more recently, the Proliferation Security Initiative. As early as 1978, mounting discontent with such tactics culminated in a special UN General Assembly session, which was convened with the explicit aim of making global arms control negotiations more representative (Goldblat, 2002, p. 35). The General Assembly has since continued to reaffirm the importance of multilateralism in arms control matters (Handl, 2010, p. 15). To cite one recent example, a resolution adopted in 2012 recalls ‘the existence of a broad structure of disarmament and arms regulation agreements resulting from non-discriminatory and transparent multilateral negotiations with the participation of a large number of countries, regardless of their size and power’, expresses concern about the ‘continuous erosion of multilateralism in the field of arms regulation, non-proliferation and disarmament’ and ‘underlines the importance of preserving the existing agreements on arms regulation and disarmament, which constitute an expression of the results of international cooperation and multilateral negotiations’ (UN General Assembly, 2011, emphasis in original). Evidently, states have long regarded formal participatory equality as key to the legitimacy of arms control initiatives.

Demands for the recognition of procedural equality were also raised with regard to the institutional design of the NPT itself. For instance, non-nuclear states strongly and successfully pressed for the institutionalization of a consensus-based review process. The NPT Review Conferences, which were to be held at five-year intervals, were tasked with ‘reviewing the operation of the treaty’ (Art. VIII). This innovative formulation differed from how treaty review conferences had previously been used by states. Rather than limiting the review to dealing
with amendments, Article VIII created an opportunity for NNWS to monitor treaty implementation, including with regard to disarmament (Carnahan, 1987). Together with the provision that a decision about the extension of the treaty should be taken 25 years after its entry into force (Art. X), the review process thus gave non-nuclear states voice and leverage over the treaty’s future evolution. Again, the importance of this twofold recognition of procedural equality for the NPT’s overall legitimacy can be indirectly inferred from member states’ response to change. The NPT’s indefinite extension at the 1995 Review Conference dramatically reduced the leverage of non-nuclear states over the treaty’s future evolution, thus potentially eroding its procedural legitimacy (Daase, 2003). However, this step was embedded in a package of ‘Decisions’, one of which was aimed at ‘Strengthening the Review Process for the Treaty’ (NPT Review Conference, 1995). The understanding of negotiating parties was that the new bargain that conditioned treaty extension upon a strengthened review process would ensure ‘permanence with accountability’ (Dhanapala, 2005, p. 57). This widely used formula testifies to the continued importance that NPT member states attached to the recognition of procedural equality within the NPT.

Another area in which concerns about participatory equality were central was the design of the NPT's safeguards regime. In the eyes of non-nuclear states, the originally proposed language that placed strict safeguards on them but not on the nuclear states ‘added a form of insult to the discriminatory injury which they suffered’ (Epstein, 1976, p. 108). The issue was (partly) resolved through the introduction of a less intrusive safeguards regime for countries with advanced civilian nuclear programmes and through the voluntary acceptance of safeguards on the part of the United States and the United Kingdom (Epstein, 1976, p. 108).

In summary, the above analysis suggests that although the NPT’s distinction between NWS and NNWS amounts to a non-recognition of equal nuclear rights, its acceptance by many non-nuclear states cannot be explained as a result of these states’ simply subordinating their recognition needs to issue-specific cost-benefit calculations. To the contrary, demands for the recognition of equal rights were highly influential in shaping the process leading up to the treaty's adoption and its eventual design.

The NPT and the recognition of national identities

The second type of need that a recognition theory of IR would expect to influence states’ foreign policies concerns the recognition of individual
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national identities and achievements. As the following analysis suggests, the NPT also catered to specific national recognition needs, including such identity-related concerns. The focus here is on three important nuclear threshold states whose stance on the NPT is particularly hard to explain in terms of issue-specific cost-benefit calculations: Germany, Sweden, and Japan.4

It is rarely remembered today that Germany long had an ambivalent view of the NPT and that the Christian Democratic government of Konrad Adenauer had flatly opposed it until late in the preparatory negotiations (Küntzel, 1992). This stance reflected fears that the treaty could jeopardize national security, but also the view that the renunciation of nuclear weapons would relegate Germany to second-class status (Müller, 2003, p. 3; Küntzel, 1992, pp. 34–6). Adenauer had rejected early calls for a unilateral German renunciation of nuclear weapons ‘not because one intends to produce these weapons but because one does not want to be discriminated against’ (cited in: Küntzel, 1992, p. 20). Franz-Josef Strauß, his defence minister, later attacked the proposed NPT as a ‘Versailles of cosmic dimensions’ (Spiegel, 1969).5

That Germany nevertheless became an NPT member can be attributed only in part to its structural security dependence on the United States, as evidenced by the fact that it took a change of government to put the German signature under the treaty. The pro-NPT stance of Willy Brandt’s new social-liberal coalition was based on the emergence of a strong disarmament movement within his party and in the German population at large (Rost Rublee, 2009, pp. 188–9), as well as on the central theme of his Ostpolitik, the moral rehabilitation of Germany in the eyes of the international community. Both objectives, disarmament and moral rehabilitation, were linked in the NPT, which offered ‘young democracies’ a chance to ‘demonstrate good international behaviour’ (Müller, 2010, p. 190). For a country struggling to shed the association with Nazi atrocities, ‘being a responsible member of the civilized world was directly linked with staying non-nuclear’ (Rost Rublee, 2009, p. 194). Thus, the recognition of Germany’s new, peace-loving national identity and, linked to this, the recognition of its equal membership within the international community of ‘civilized’ states outweighed the loss of the substantive right to nuclear weapons, which would have allowed the country to gain recognition as a member of a more exclusive great power club.

The position of Sweden, another important European participant of the NPT, differed from that of Germany in three respects: the country’s neutrality in the East-West confrontation, the fact that it had a far more
advanced nuclear weapons programme than Germany, and its constructive role in the ENDC negotiations leading up to the establishment of the NPT. It is the combination of the second and the third observation that needs explaining: how did a country that came within six years of producing nuclear weapons in 1957 (Rost Rublee, 2009, p. 173) transform into a leading advocate of nuclear disarmament within a decade? Again, part of the answer has to do with factors unrelated to recognition dynamics, such as new weapons developments by the superpowers and changing calculations of military utility (Quester, 1973, pp. 126–7). As in Germany, the growth of a domestic disarmament movement also played its part.

The last and, according to some analysts, most important factor in the Swedish change of position was its election as one of the eight non-aligned members of the ENDC (Quester, 1973, p. 128). As was argued earlier, the creation of this forum recognized the right of the overall group of non-aligned states to have a say in global arms control talks. At the same time, it admitted those elected to speak for the group to a privileged circle of great and middle powers. In addition, ‘the Swedish delegation in Geneva saw itself [...] as a spokesman for the other seven less economically developed nonaligned states’ within the ENDC (Quester, 1973, p. 128). Thus, the NPT negotiations gave Sweden an upgrade of social status and recognized its unique national abilities by informally accepting it as a leader among the leaders. At the same time, Sweden’s new leadership role in nuclear disarmament also suited its traditional self-image as a ‘peacemaker’ (Rost Rublee, 2009, pp. 180–2). Whereas participation in the nuclear arms race would have been ill at ease with this key element of Sweden’s national identity conception (Quester, 1973, p. 124), the NPT negotiations offered the country an opportunity to receive widespread recognition of its peacemaker image. In the following years, Swedish leadership on nuclear disarmament became so integral to the national identity narrative that, already in the early 1970s, one analyst concluded that ‘[r]ightly or wrongly, Swedes today see themselves as having worked for all forms of disarmament at Geneva, as having been against proliferation all along’ (Quester, 1973, p. 124). This narrative can also explain why Sweden never backtracked on its strong support for the NPT, neither after securing access to civilian nuclear energy nor in response to the NWS’ broken disarmament promises.

The importance of national identity concerns for the Swedish pro-NPT stance is particularly visible in comparison with Japan, a reluctant NPT participant that signed the treaty only in 1970 and ratified it six years
later. Apart from commercial and security calculations, this scepticism was influenced by a ‘widespread feeling among Japanese elites that Japan was not sufficiently acknowledged as a nation’ by their most important ally, the United States – and one of the things that angered the Japanese leadership was the fact that the United States had not thought it necessary to include it in the ENDC (Quester, 1973, p. 110). Indeed, the eventual Japanese ratification of the NPT was preceded by Japan’s admission to the Conference of the Committee on Disarmament, the successor forum of the ENDC. This meant a status upgrade which the Japanese government had reached, in the analysis of contemporaries, by ‘exploiting’ the NPT issue (Okimoto, 1975, p. 316).

Conclusion

The analysis offered in this chapter suggests that recognition theory can generate important insights into the creation, design, and longevity of the NPT. Issue-specific cost-benefit calculations, as emphasized by a rationalist contractual theory of hierarchy, go only part of the way in explaining why non-nuclear states agreed to a profoundly unequal order. In particular, they fail to explain why both small non-nuclear states and major nuclear threshold states placed strong emphasis on NWS disarmament commitments throughout the NPT’s history, and why they nevertheless did not defect from the treaty when the nuclear powers later reneged on their commitments.

A recognition-theoretical analysis can help clarify these points by distinguishing different recognition dynamics underlying the unequal treaty. While the treaty’s discrimination between nuclear and non-nuclear states amounts to a non-recognition of equal substantive rights to the possession of nuclear weapons, other aspects of the NPT negotiations and of the resulting treaty were designed to accommodate the recognition needs of non-nuclear states. The NPT’s disarmament dimension softens the unequal distribution of rights while also recognizing the participatory equality of NPT negotiating parties; these implications explain the insistence of non-nuclear states on this particular clause, as well as their strong reactions to the Bush administration’s non-recognition of procedural steps agreed earlier. Yet, regime legitimacy was grounded not only in the disarmament article but also in a range of other institutional compromises – regarding the forum in which the NPT was negotiated, its review process, and its regulations on safeguards – that responded to demands for participatory equality. In addition, the treaty offered key nuclear threshold states a chance to fulfil specific national recognition
needs, including with regard to the recognition of individual national achievements and identity traits. These additional recognition benefits can account for the NNWS’ continued adherence to the regime in spite of the NWS’ failure to meet their disarmament commitments.

This is not to suggest that all states that had non-nuclear status in 1968 found their recognition needs satisfied in the process and outcome of the NPT negotiations. The continued outspoken resistance of the remaining NPT ‘holdouts’ to the global non-proliferation regime makes it plain that from their point of view, the treaty’s multiple reaffirmations of an equality of substantive and procedural rights among states represented no more than an insufficient placebo for the recognition benefits they derived from achieving full nuclear status. Still, the fact that these radical NPT critics are in a clear minority shows that most non-nuclear states arrived at a different conclusion in weighing the positive and negative implications of the treaty for the fulfilment of their recognition needs. This calculation can be altered, however, if nuclear-weapons states openly challenge the participatory equality of NPT members, as exemplified by US rhetoric and behaviour during the Bush administration.

The analysis also holds general lessons with regard to the application of recognition theory to international politics. The key insight that emerges from the NPT case is that social recognition is complex, and so are the recognition implications of global institutions. Evidently, actors have multiple recognition needs that can be satisfied or dissatisfied in a number of alternative ways (see Table 6.1). In the case of the NPT, acceptance of the treaty has implications for the recognition of equal substantive rights (to the possession of nuclear weapons), of equal participatory rights (in decisions on nuclear matters), and of specific national features and achievements. Furthermore, recognition demands can be directed to different social collectives – to the international community as a whole, to a privileged group of great and middle powers or, as in the case of disappointed Japanese recognition needs, to one major diplomatic partner. Finally, the same recognition need can be fulfilled in multiple ways, as the different institutional concessions to participatory equality suggest.

The multidimensionality of recognition needs has two important implications for our understanding of global order: first, in deciding whether or not to accept an institutional order, state leaders and other political actors must not only weigh its recognition implications against the material benefits it provides but also trade off different recognition needs against one another. Second, since one and the same institution can satisfy and disappoint different recognition needs at the same time, equal recognition at one level of an institutional order can end up
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facilitating or stabilizing unequal recognition at another level. Thus, the ‘puzzle of unequal recognition’ set out at the outset of the chapter can be resolved – not by discarding recognition theory in favour of an alternative theoretical perspective but by applying it to the case in a more fine-grained manner.

Notes

1. See the introduction to this volume for an in-depth discussion of this literature.
2. See also Ikenberry (2001) and Weber (2000) for similar arguments.
3. Contrary to the argument that Article VI resolved a ‘security dilemma’, the argument about normative satisfaction still holds if we assume that the NWS’ disarmament commitment was primarily symbolic and that the chance of their eventual complete nuclear disarmament was small.
4. The analysis draws on earlier analyses that point to the importance of national identity conceptions for countries’ non-proliferation policies, but without

Table 6.1 Recognition needs and their (non-)fulfilment in the NPT

<table>
<thead>
<tr>
<th>Recognition needs</th>
<th>International community</th>
<th>Privileged groups of great/middle powers</th>
<th>United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recognition of equal substantive rights</td>
<td>NWS disarmament obligations</td>
<td>[denied: NW for Germany, Sweden, and other threshold states]</td>
<td></td>
</tr>
<tr>
<td>Recognition of equal participatory rights</td>
<td>NWS disarmament obligations; ENDC negotiations; NTP review process; Safeguards compromise; German rehabilitation as member of the international community</td>
<td>ENDC participation for Sweden; [denied: ENDC non-participation for Japan]</td>
<td>[denied: ENDC non-participation for Japan]</td>
</tr>
<tr>
<td>Recognition of national individuality</td>
<td>Sweden’s traditional ‘peacemaker’ image; Germany’s new ‘peace-loving’ character</td>
<td>Informal ENDC leadership of Sweden</td>
<td></td>
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</tbody>
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relating this factor to other recognition dynamics in the non-proliferation regime.

5. All German quotes translated by the author.

References


Part III

Recognition of States and Governments
(Non-)Recognition Policies in Secession Conflicts and the Shadow of the Right of Self-Determination

Stefan Oeter

Introduction

Recognition is a constant issue in writings on Public International Law. This is mainly due to the exclusivity of the club of formal ‘subjects of international law’. Belonging to this club is of utmost importance for political entities, and denying recognition is a strong sanction that excludes new political entities from membership in the community of states. But besides the fundamental importance of recognition as a gatekeeping practice, much is disputed in international legal doctrine.

The following reflections start from a set of working assumptions. Recognition under international law clearly is an interactive social practice. A broad social science definition of recognition that perceives it as a social and political mode of constituting actorness and performing inclusion and membership, accordingly covers also the international legal paradigm of recognition of statehood. Practices of recognition in international law are regulating inclusion and membership in the community of states – and membership in such community is important since political entities profit from the fundamental principles of sovereign equality and of prohibition of the use of force only when they are recognized members of the community of states. However, recognition policies under international law cover only a small parcel of the overall range of social practices of recognition, a specific form of social dynamic between collectives – and such social dynamic can better be explained from a structural perspective than from an actor-centred one. But even when taking a decidedly structural perspective like International Law does, this must not say anything about the divide between rationalist
and non-rationalist perspectives. Although constructivist approaches are extremely helpful in reconstructing the political dynamic of recognition, the structural core of recognition patterns still may be explained in purely rationalist categories. The chapter will try to illustrate this by dealing with a specific type of recognition pattern under international law, namely, the way in which states deal with new political entities claiming a separate statehood on the basis of the right of self-determination, thus eroding the territorial integrity of established states. The state community has always been reluctant to embrace such claims, for reasons easily to be reconstructed in rationalist terms. Such recognition policy clearly has its ‘dark sides’, as the chapter will demonstrate. And yet, a more generous recognition pattern might have even more dark sides, which induces states to cling to a rather traditionalist approach in dealing with recognition quests of new political entities that were formed as a result of processes of secession.

**Historical evolution of patterns of recognition under international law**

As mentioned above, traditional International Law is characterized by a limited number of privileged actors – in pre-modern times monarchs, later states, now in addition also International (Governmental) Organizations. Claims of new collective actors of a state-like nature to belong to the privileged club of ‘subjects of International Law’ are not automatically accepted, but need some kind of collective process of endorsement. The community of states reserves the right to judge the legitimacy of such claims – and to reject them if perceived as illegitimate. Early nineteenth-century practice was based on very firm criteria of monarchical legitimacy, later of constitutional legitimacy (Crawford, 2006, pp. 25–36; Hillgruber, 1997, pp. 18–25). Not only states had to be recognized but also governments. But at later stages of the evolution of International Law, dubious governments (in terms of constitutional legitimacy) became a widespread phenomenon – and state practice came into difficulties with traditional criteria of ‘legitimacy’. The shift from the so-called ‘constitutive theory’ to the ‘declaratory theory’ marked the transition from criteria of ‘legitimacy’ to criteria of mere ‘effectiveness’ of power in a given territorial entity (Saxer, 2010, pp. 61–78, 159–200, 703–18). In times when ‘legitimacy’ had to be judged, recognition of states and governments was seen as ‘constitutive’, which means that a certain entity (and its government) could be qualified only as a ‘state’ (and thus a subject of International Law) when recognized by the other
members of the state community (Saxer, 2010, pp. 703–18). In terms of the subsequent ‘declaratory theory’, a political entity with a defined territory, a people, and an effective state authority constitutes a ‘state’, irrespective of recognition – and the act of recognition only clarifies such underlying legal quality. The legal quality of being a ‘state’ is perceived under this approach as being a mere ‘fact’ (Castellino, 2000, pp. 77–89; Oeter, 2014, pp. 48–9; Raic, 2002, pp. 50–82; Talmon, 2006, pp. 218–33). The underlying judgement is perceived as a mere act of cognition based on criteria of effectiveness. International lawyers have to qualify whether a certain collective organization exercises exclusive sovereignty over a distinct territory and people, enjoys effective authority, and is independent of foreign states (Saxer, 2010, pp. 113–19). If these criteria can be affirmed, then a political entity constitutes a ‘state’. As a result, recognition seems to be an operation purely governed by legal considerations – if a certain set of criteria prescribed by law is fulfilled, recognition tends to become a quasi-automatic consequence.

As a result of the mentioned shift of paradigm, struggles over recognition seemed to become less furious – either you were a state, and then recognition seemed not to matter as much as before, or you were not a state, and then recognition could not help anyway. But such legal reasoning is by far too superficial. Heated debates over issues of recognition continued to pop up in international legal discourse (and in state practice) – and they proved to be not less furious than before. They simply had changed their character. Established states did not have to care about recognition any more (and neither did their governments). If you had become a member of the United Nations, your quality as a (recognized) state was beyond debate. But it was a partly different issue that continued to occupy the minds and writings of international lawyers. With the process of decolonization, the question came up at which moment of time a political entity enjoying a right of self-determination may be recognized as a state. If the colonial power obstructs self-determination and continues to rule a colonial entity, in violation of international law, and a movement of resistance takes up armed fight and declares its own statehood, may other states (as a kind of retaliation) recognize such a new state, even if it does not possess effective authority over its territory and people? Third world states tended to give a positive answer to such question, whereas industrialized states tended to negate it (Saxer, 2010, pp. 106–10).

Decolonization has been more or less completed. But conflicts over issues of recognition of states have continued to lead to heated debates in international legal practice during the last decades. A major issue in
these debates is the reaction to movements of secession. Traditional practice in cases of (disputed) secession has always been characterized by a systematic non-recognition of secessionist entities, at least as long as the former territorial sovereign had not consented to the separation (Oeter, 2012, pp. 332–3). As soon as there was a consensus on separation with the former territorial sovereign, recognition was no longer a problem. But as long as the former territorial sovereign opposed the secession, third states felt obliged to ignore the claim for statehood voiced by the seceding entity. (Premature) recognition in such cases was perceived as an illegal intervention in internal affairs, since the territorial sovereign had a right to safeguard its ‘territorial integrity’ and fight down the secessionist rebellion by armed force, if necessary.

Starting in the years 1990/91, claims of self-determination have led to a critical current in international legal doctrine questioning the wisdom of the traditional line of policy (Oeter, 1992, pp. 741–5). Justified claims of self-determination should lead – so goes the argument – to swift recognition of seceding states, because continued support for the claim of territorial integrity upheld by the former territorial sovereign would signal complicity with the attempts at crushing secessionist rebellions with brute force. At least in cases in which the suppression of the secessionist rebellion goes hand in hand with acts of genocide, gross and consistent patterns of crimes against humanity, and ‘ethnic cleansing’, there should be a right to ‘remedial secession’ calling for immediate recognition (Buchheit, 1978, pp. 220–30; Doehring, 1991, pp. 126–7; Thürer, 1984, pp. 127–8; Tomuschat, 2006, p. 33). State practice, however, has not embraced such claims. In some cases, in particular during the break-up of the former Yugoslavia, there were debates on the right timing of recognition, and on ‘premature’ recognition. However, state practice in the context of the break-up of the former Yugoslavia and of the former Soviet Union, which to a certain degree enhanced the consolidation of new states, has not been construed as constituting cases of conflicts over secession, but was perceived as an issue of dismemberment of federations subject to different rules (Oeter, 2014, p. 55). A closer look to state practice shows that the traditional doctrine of non-recognition still holds and that states still are more than reluctant to embrace doctrines of a ‘right of secession’. ‘Territorial integrity’ still continues to be perceived as the primordial value.

The cases of Kosovo, Abkhazia, and North Ossetia might be seen as precedents confirming such a finding (see the contributions on Kosovo, Abkhazia, and North Ossetia in Walter et al., 2014). The legality of the recognition of Kosovo as an independent state remains very disputed
even inside the European Union, and will not find (at least in the medium term) an overall acceptance by the state community. There exist sound reasons from the perspective of international law to remain critical of the Kosovo precedent (Oeter, 2012; Tomuschat, 2012). The recognitions of Abkhazia and North Ossetia constituted ‘tit for tat’ – reactions of Russia to the original sin of recognizing Kosovo – and there are very few states in the world willing to follow the example of Russia (Mirzayev, 2014; Waters, 2014). In other cases, like Transnistria, Northern Cyprus, or Somaliland, a traditional policy of non-recognition prevails – and from a normative perspective, there are good reasons for such a policy. If at all, quick recognition of secessionist entities should happen as a concerted collective action of the state community as a whole. If being done collectively, early recognition could deliver a contribution to the moderation of violent conflicts over territorial sovereignty and secession. But unfortunately, the opposite might also become true, depending on the circumstances: premature recognition might also incite violent conflicts or contribute to their escalation, thus showing a ‘dark side’ when used in the wrong way.

The right to self-determination – a normative basis for recognition?

A recent Advisory Opinion issued by the International Court of Justice (ICJ) sheds an interesting light on these issues – the 22 July 2010 Kosovo Advisory Judgment. The basic statement of law underlying the Kosovo Advisory Opinion at first seems trivial: declarations of independence issued by political actors inside a state – actors not bound by international law – that proclaim independent statehood for certain parts of a territory are not issues regulated by Public International Law (International Court of Justice, 2010, § 84, p. 113). They usually will contradict rules of internal law of the state that formerly exercised sovereign rights in the respective territory, and often will be punishable as high treason. But it is impossible to measure them against the yardstick of Public International Law, at least as long as its authors act solely as political actors at an internal level (Müllerson, 2009, p. 24; Musgrave, 2000, pp. 192–200, 209–15).

The central statement of the ICJ thus paraphrases the old saying of Public International Law treatises: ‘Secession is a matter of fact, not a matter of law’ (Borgen, 2009, p. 8; Musgrave, 2000, pp. 192–5). The basis of this formula is the insight that attempts at secession are part and parcel of the political process in a given society, and thus do not automatically
constitute a question of international relations (Saxer, 2010, pp. 113–19). As far as the internal (democratic) process is concerned, there might be good reasons not to condemn secessionist attempts all too easily as an evil per se, as Will Kymlicka demonstrated some time ago (2004, 160 et seq.). In democratic states it is difficult to outlaw secessionist movements as soon as significant parts of the population take side in favour of such separatism. To counter their aspirations with means of law, in particular to prohibit such movements in plain terms, would risk serious deformations of the political process, would risk to polarize party systems and to block decision-making in democratic institutions (Oeter, 1997, pp. 89–92). Accordingly, in a number of countries’ constitutions there are provisions that expressly allow for a right of secession of certain territorial entities or populations (Raic, 2002, pp. 313–16). Nevertheless, the question of how to cope with secessionist movements remains first and foremost (in particular from a perspective of Public International Law) a question of internal legal assessment.

Secession is thus neither per se prohibited under international law nor does international law support processes of secession (Hilpold, 2008, pp. 117–20; Thürer and Burri, 2009). Such old wisdom of Public International Law treatises, however, constitutes at best a partial answer to the challenges of how to deal with secession in legal terms. The central follow-up question of each secession is the question of recognition by third states of the legal entity newly brought into existence (Dugard and Raic, 2006, pp. 94–9). The legal judgement reserved for this type of situation under classical international law has always been very clear: the recognition of secessionist entities or regimes has always been perceived – at least as long as the former territorial sovereign continues to fight against the secession – to be illicit, to constitute an illegal intervention, as long as a specific justification for such a premature recognition does not exist (Saxer, 2010, pp. 187–92; Tomuschat, 2012).

Accordingly, it is only possible to escape the verdict of an illegal act if a specific justification exists – and such justification has been construed in particular by the adherents of the doctrine of so-called ‘remedial secession’ (Buchheit, 1978, 220 et seq.; Doehring, 1991, pp. 127–8; Thürer, 1984, pp. 127–8; Tomuschat, 2006, p. 33; Saxer, 2010, 394 et seq.). This doctrine of a right to secession as a kind of ‘self-defence’ starts from the right of self-determination of peoples. It is recognized, however, and seems to be more or less beyond dispute that the right of self-determination does not contain a general and unconditioned right of each ethnic group to claim independent statehood at any time (Müllerson, 2009, pp. 118–20). Self-determination of peoples and territorial integrity
of states must be balanced against each other in a sensible way (Oeter, 1992, 753 et seq.; Musgrave, 2000, 180 et seq.) A good starting point for such balancing may be found in the skillfully balanced formulations of the Friendly Relations Declaration – a text that is obviously trying to do justice to both colliding principles and concerns, without giving one-sided preference to one of the two concerns (Crawford, 2006, 118 et seq.).

Already the definition (and the delimitation) of the potential bearer of such an (unconditioned) right to independent statehood would raise insuperable difficulties, because the question how to delimit a group with an own ‘ethnic’ or ‘national’ identity that is to be distinguished from the majority nation ultimately depends on a largely subjective judgement (Musgrave, 2000, 154 et seq.; Saxer, 2010, 274 et seq.). There might be some ‘external’, seemingly ‘objective’, criteria to make such a distinction. It remains uncertain, however, whether and to what extent these external criteria, such as religion, language, or culture, suffice to qualify a certain group as a distinct ‘people’ or ‘national group’ (Oeter, 2012, pp. 325–7). Finally, it will be the collective identity that tips the balance in favour of forming an own ‘nation’, which means the common will to perceive oneself as an own, distinct group. But the argumentation thus is nearing a circular reasoning – the precondition, the existence of an own, distinct ‘people’, will usually be clear only as the result of the processes of self-determination leading to an own, independent state (Saxer, 2010, 217 et seq.). This demonstrates that such an (underdetermined) notion of ‘people’ is not really operable as the basis of a definitional consensus for a right to independent statehood (MacCormick, 1988, 112 et seq.).

Just to the contrary: even if one departs from the existence of an own, distinct ‘ethnic group’ separable from the majority nation, contemporary doctrine tends to base its construction of self-determination upon a clear pre-eminence of ‘internal self-determination’. Such ‘internal self-determination’ relates to the multi-faceted forms of self-determination embodied in the various models of effective participation in internal political decision-making (Buchheit, 1978, pp. 14–15; Doehring, 1991, pp. 126–7; Hilpold, 2009, pp. 55–6; Rosas, 1993, pp. 225–30). Such ‘internal self-determination’ may consist of an inclusion in the governmental system through ‘national’ parties and various forms of ‘ethnic’ consociationalism, but may also be embodied in rather different versions of (functionally limited) self-government, with the paradigmatic case of ‘territorial autonomy’ of a specific territorial unit as the most prominent example (Hannum, 1996; Saxer, 2010, 335 et seq.).
The question remains: when – and under what conditions – is it possible to argue a right of ‘external self-determination’ – a right to form one’s own state (and thus implicitly a right to secession)? This question has remained very much disputed until now. A considerable part of international legal doctrine in German-speaking academia, but also in the United States argues that under certain, very specific circumstances the right of collective self-fulfilment that is under usual circumstances limited to ‘internal self-determination’ might be transformed into an (emergency) right to independent statehood (Crawford, 2006, 120 et seq.; Schaller, 2008, 138 et seq.; Grant, 2009, 42 et seq.). Such ‘remedial secession’ is conceived as an extreme version of a collective right of self-defence (Doehring, 1991, p. 126; Oeter, 1992, 758 et seq.; Saxer, 2010, p. 398). The denial of ‘internal self-determination’ does not suffice to argue a ‘remedial secession’. The people concerned must be threatened in its very existence by measures of extreme violence exercised by the ruling regime (Müllerson, 2009, p. 19).

One should bear in mind, however, that state practice never has shown any tendency to embrace seriously such a justification of secession – too many states on the globe feel threatened by secessionist movements and perceive it as dangerous to open the Pandora’s box of justifying secession, be it even under very limited circumstances.

Case study: the Kosovo case

A case study of recognition practice regarding Kosovo may help illustrate the normative dilemma underlying recognition policy in cases of secession – a dilemma visible from a principled perspective as well as from a consequentialist perspective. Regarding Kosovo, it has been argued that there were extreme circumstances of necessity that transformed the initial construction of ‘internal self-determination’ into a situation of ‘remedial secession’ (Goodwin, 2007, 5 et seq.). With the transition to violent conflict (and to the deliberate policy of ‘ethnic cleansing’) in 1998, a situation of extreme violence and suppression with genocidal characteristics had arisen (Weller, 2009, 67 et seq., 76 et seq.).

But ‘remedial secession’ did not occur in 1999. Finally, the North Atlantic Treaty Organization (NATO) intervened with its large-scale aerial bombardments. This military intervention forced the Milošević regime into surrender and thus brought an end to the attempted expulsion of the Albanian population (Weller, 2009, 150 et seq.). The legality of NATO’s intervention has been debated extensively (Nolte, 1999, 94 et seq.; Thürer, 2000, 1 et seq.; O’Connell, 2000, 57 et seq.; Koskenniemi,
2002, 159 et seq.; Hilpold, 2009, 50 et seq.). If one relates the consequences of the military intervention of NATO to the issue of ‘remedial secession’, one can easily formulate the following: with Slobodan Milošević relenting to the demands of NATO and with the sending of foreign troops to Kosovo, a development culminating in the creation of the UN administration for Kosovo (UNMIK) according to Security Council Resolution 1244, the situation lost its emergency character for Albanians in Kosovo, and thus the basis for any claim of ‘remedial secession’ withered away. The interim administration of the UN established in Kosovo was oriented toward a (limited and conditioned) self-govern-ment of Kosovars (Gow, 2009, 241 et seq.). At the same time, however, the final status of the territory was kept open, with a (transitional) agree-ment on the continuing territorial sovereignty of Serbia. Thus it was left to the parties to determine in negotiations the further legal status of the territory. The ‘final status’ that Security Council Resolution 1244 of 1999 envisaged to be determined in direct negotiations with Serbia and representatives of Kosovo, was directed toward self-determination of the population of Kosovo. Two possibilities of ‘self-determination’ were conceived as potential outcomes of such ‘final status’ negoti-ations – one result could have been independent statehood of Kosovo, the other one a far-reaching autonomy of the territory under continued Serbian sovereignty.

One might argue that, as a result of Resolution 1244 and the interim administration of the UN, the preconditions of a ‘remedial secession’ (as a unilateral emergency right) had perished (Goodwin, 2007, pp. 6–7; Schaller, 2008, p. 139). The hour of unilateral secession had gone. To find the concrete contours of a suitable form of self-determination for the population of Kosovo was entrusted, according to Resolution 1244, to a complex system of bilateral negotiations under international super-vision and mediation.

As a consequence, third states were legally barred from recognizing – after the unilateral declaration of independence – the ‘Republic of Kosova’ as a sovereign state. As long as Resolution 1244 is valid, the interim status created by this resolution applies to the situation in Kosovo (Goodwin, 2007, p. 11; Gow, 2009, p. 243; Schaller, 2008, p. 135). A central element of this interim status is the continuing territorial sovereignty of Serbia over Kosovo. In order to escape the interim solution explicitly laid down in Resolution 1244, the Security Council would have to declare obsolete Resolution 1244 – entirely or at least partially – or would have to defuse Resolution 1244 at least in interpretative terms (Schaller, 2008, 149 et seq.). Accordingly, a great number of states have rejected any immediate
recognition of Kosovo as sovereign state. Even some member states of
the EU have raised objections against the precedent of premature recog-
nition set by the US, Germany, France, and the UK, which prevents the
EU from developing a joint position on Kosovo. As long as Serbia does
not agree to independent statehood of the former autonomous region,
Kosovo will be barred from membership in the UN and all the other
important international organizations (Summers, 2014).

The policy arguments underlying the practice of
non-recognition

The case study of Kosovo makes one point very clear: the great majority
of states still demonstrate a strong preference for territorial integrity and
non-intervention, and seek to uphold incentive structures that discourage
secession movements. The rule of non-recognition is perceived to be of
a primordial character, because it is felt to secure peace and stability of
the international order.

Even under the traditional approach of the ‘declaratory theory’,
the iron rule of non-recognition is explicable to a certain degree. The
continuing claim of sovereignty of the former territorial sovereign
puts into doubt the exclusive authority of the newly proclaimed state
over territory and people. Its sovereign authority is disputed and may
at any time be challenged by the authorities (and the armed forces) of
the former holder of territorial sovereignty. New territorial entities may
consolidate under such circumstances as stabilized ‘de facto regimes’, as
far as the former territorial sovereign proves incapable (or unwilling) to
regain territorial control by force (Frowein, 2013). As long as the former
territorial sovereign upholds his claim to sovereignty, however, third
states will not recognize such ‘de facto regimes’ as sovereign states. Even
if there is an arguable claim of self-determination, third states tend to
grant precedence to the safeguarding of territorial sovereignty. Any kind
of (premature) recognition would tend to consolidate in such situations
a state of affairs that in political as well as legal perspective still is fluid –
and should be kept fluid.

Why should it be kept fluid? From a perspective of legal principle,
the state community favours territorial integrity over ever new claims
of self-determination. On a factual plane, the ‘de facto regime’ might
consolidate politically and might profit – as a result of factual consolida-
tion – from the fundamental principle of the non-use of force in inter-
national relations. Effective consolidation of power thus might lead to
some minimal kind of recognition – the respect that even a so-called ‘de
A final settlement, however, in the sense of recognition of sovereign statehood, should not be brought about by brute use of force, but should be achieved as a result of negotiations. Negotiations, however, require incentives for both sides to enter into a compromise. If the former territorial sovereign is barred – as soon as a ‘de facto regime’ stabilizes in political terms – from the use of force, but the new entity claiming statehood is barred from recognition as long as there is no consensus on separation, both sides should have an interest in negotiating. By applying the principles of non-use of force and non-recognition simultaneously, such a balance of incentives may be upheld. The state community sends a clear signal to the seceding entity that there is no pathway to sovereign statehood without a compromise with the former territorial sovereign, and the former sovereign is made aware that any change of situation requires political concessions also from her. A political compromise restoring territorial sovereignty in such cases usually will require serious attempts at constructing a credible arrangement of ‘internal self-determination’, mostly in the form of a model of autonomy. But in order to accept autonomy as a solution, secessionist movements will tend to insist on credible assurances of the international community stabilizing such a construction over time.

As a result, there is a strong trend toward a pattern of collective recognition (or non-recognition). This pattern became visible in the case of the former Yugoslavia, in which recognition was made dependent upon a catalogue of legal criteria going much beyond traditional criteria of effectiveness, the criteria characteristic of classical ‘declaratory theory’. They comprise structural requirements such as democracy, human rights, rule of law, and the protection of minorities. The common catalogue of criteria used in these cases resembles a set of principles of homogeneity of state structure, expressing the idea of a value-based order of states. There is a certain degree of debate about whether such criteria are not going too far. Important, however, is the collective element of drawing
up such a catalogue of criteria – ascribing the role of a regulator of self-determination conflicts to the community of states. Collective action needs to have (some) political leverage upon the parties. From this perspective, recognition constitutes a central tool in political conflict-management – and such a tool works only if recognition is organized as a collective process.

Recognition, in consequence, is transformed from an operation of legal assessment into an act of political judgement, becomes an instrument of political steering. It structures the accession of new political entities to the community of states. In fulfilling such a task, recognition policy is in principle bound to rely on normative criteria concerning the quality of statehood – only when relying on such criteria, states will be able to coordinate their actions. These criteria are less oriented towards traditional concepts of effectiveness, but rely on (normative) criteria of legitimacy – legitimacy that once was brushed aside when shifting to the ‘declaratory theory’. Such normative criteria seem more or less unavoidable in a community of states with a very strong normative idea of ‘legitimate statehood’. A new state must fit into the normative framework of the existing community – and the process of state formation must have been compatible with the normative underpinnings of the international community.

Again, this may be illustrated with a well-known example. The ‘Turkish Republic of Northern Cyprus’ fulfills all the classical criteria of statehood – and clearly rests on the democratic consent of its inhabitants (Ercan, 2012, pp. 198–237). But there is one decisive normative deficiency at play: the Turkish invasion of 1974 that led to the establishment of this political entity constituted a flagrant breach of Article 2 (4) of the UN Charter, the prohibition of the use of force, and in addition the current ethnic composition of Northern Cyprus is a result of overt policies of ‘ethnic cleansing’ exercised by Turkish forces in 1974 (Ercan, 2012, pp. 79–92). These violations of norms of *ius cogens* render invisible the strong Greek responsibility for the dead-end situation in Cyprus and the normative weakness of the Greek Cypriot position. The claim of the (Greek) ‘Republic of Cyprus’ to be the legitimate sovereign of all of Cyprus rests on weak normative foundations – it was the Greek side that brushed aside the bicommunal constitution of 1959 and created an (illegal) constitutional structure marginalizing the Turkish part of the population – against all constitutional safeguards and international guarantees that had been given in order to stabilize the ‘bicommunal’ structure of the Cypriot state (Ercan, 2012, pp. 30–40, pp. 76–9).
Conclusions

The example of Cyprus demonstrates well the challenges and risks of the trend toward collective patterns of recognition. Recognition becomes a normative value judgement about whether or not a new political entity conforms to basic normative underpinnings of the international community. If this pattern shall work, the collective nature of the process leading to such a value judgement is essential.

A thorough analysis of international legal concepts and practices of recognition thus reveals that recognition patterns show much greater variation than expected at first sight. At the same time, most of the working assumptions formulated at the beginning prove to be justified.

Recognition of states proves to be a gradual concept. It is not all about statehood. Secession starts as an internal phenomenon, driven by non-state actors and sub-state entities. Recognition patterns do not easily transform secessionist entities into full-scale members of the international community, but tend to halt at an ‘in-between’, keeping them in a grey zone of partial legal personality without full membership status, a situation generally described as a ‘de facto regime’.

Traditionally, recognition of states tended to be a very formalized act, sealing the accession to the club of sovereign states. The shift to the declaratory theory led to a certain deormalization of recognition patterns. Recognition under the declaratory theory is often only an implicit meaning of diplomatic interactions of very different kinds. Recognition of governments was almost completely abolished. The recent trend towards decidedly collective patterns of recognition, with a strong tendency towards a return of ‘constitutive’ understandings of recognition, stresses again the very formal character of recognition. In a constitutive understanding, recognition of states is a deliberate act of political choice expressed in a formal act. Catalogues of recognition criteria stress conditions of legitimacy. International legal patterns of recognition of states thus prove to be very formalized social practices of recognition. Even with such formalized practice, however, differing grades of formality exist.

From an analytical perspective, general theoretical paradigms developed in the social sciences for dealing with issues of recognition prove helpful even for international law. This is less true for an actor-centred perspective that models individual behaviour but for a structure-oriented perspective that helps understand the incentive structures and the consequentialist calculus that underlie collective patterns of interaction. Such modelling may be largely done in a rationalist paradigm. Reconstructing the normative pull exercised by international legal rules,
however, requires a constructivist perspective looking at shared cognitive patterns and normative understandings.

Individual as well as collective patterns of recognition of states show a strong normative ambivalence. Each possible pattern demonstrates ‘dark sides’, depending on the circumstances. The traditional pattern of non-recognition of secessionist entities favours territorial integrity to the detriment of collective self-determination of distinct social groups, and thus favours stability over change. From a consequentialist perspective, good reasons for such a stability bias exist, since any other balancing of the colliding values of international order would create incentives toward the escalation of political conflict and toward political violence in collective identity struggles. Favouring stability should not be driven toward its logical extreme, however, since an unconditioned bias for territorial integrity would set incentives for brute suppression of quests for political change – and such suppression all too easily ends up in gross patterns of war crimes and crimes against humanity, if not genocide. A ‘value-based’ approach taking into consideration the normative aspects of the social interactions of the competing collectives seems preferable. In developing strong collective patterns of a value-based practice of recognition, the international community might have a powerful tool toward moderation – but there still is a long way to go until such a collective pattern of recognition works adequately, as the case study of Kosovo demonstrates.

As a consequence of this emerging pattern of a ‘constitutive’ understanding of recognition, international law must develop a decidedly more political perspective on the recognition of states. With recognition understood as an act of political choice in a framework of international law, legal doctrine must develop analytical models that also bring the political component back into perspective. For doing this, a closer look at debates and models that emerged in the social sciences will be needed. International lawyers thus should be much more interested in social science debates on issues of recognition, as social scientists could gain a lot of insight from looking closely at international legal debates on recognition patterns.

References


Introduction: political and legal struggles for recognition

Much recent scholarship has identified the striving for recognition as a common denominator of political conflicts at all levels (e.g. Honneth, 1995; Lindemann and Ringmar, 2012). In some political conflicts, the quest for recognition is informal and embedded in other, less esoteric, demands. According to Axel Honneth, ‘even distributional injustices must be understood as the institutional expression of social disrespect – or, better said, of unjustified relations of recognition’ (Fraser and Honneth, 2003, p. 114). Unfavorable outcomes taken to imply misrecognition are experienced not as mere harm to be remedied (or endured), but as indignity to be redressed. Honneth points out that this sense of indignity can drive international as well as local conflict, as in both democratic and authoritarian states, makers of foreign policy must respond to (or can mobilize for their own advantage, as in the case of the Nazi exploitation of the perception of Germany’s national humiliation at Versailles) ‘collective strivings for identity’ (Honneth, 2012, p. 32). This observation argues for attention to the ways in which policies may mitigate or exacerbate international conflict by symbolically conveying respect or disrespect for a foreign population’s sense of collective identity.

There is, however, a more formal sense of recognition that is unique to international relations: the identification of state actors that (at least in principle) enjoy the prerogatives of full membership in the international system. Established members of this ‘club’ adjudge, albeit through somewhat haphazard processes, candidate members to have fulfilled agreed-upon criteria of membership. These members include both the principals, which are essentially abstractions, and the concrete
institutions that serve as those principals’ presumed agents: that is to
say, territorially based political communities that bear ‘sovereignty’ (a
term of variable content, but identified with the aspects in which all
states have co-equal standing in the global order) and governmental
apparatuses that take action, both internally and externally, in the name
of that sovereignty.

Struggles over recognition, whether of secessionist territorial entities
or of insurgent governmental apparatuses, are elemental to inter-
national relations. All standard conceptualizations of world politics
begin with the state as an externally delimited and internally coherent
unit, an entity that encompasses (or at least, has a systemically validated
claim on) a specified share of the world’s territory and that, through an
organ authoritatively attributed to it, ‘speaks with one voice’. As Erik
Ringmar points out, this framework owes less to empirical reality than
to metaphor and mythology, and depends for its utility on a successful
universalization of a European model of political organization (2012).
There is manifest idiosyncrasy in the notion that there is such a place
as the ‘Democratic Republic of the Congo’, let alone that President
Joseph Kabila and his associates speak for a community comprised of
the permanent population of the territory assigned to that unit. Yet the
most critically consequential interactions (everything from humani-
tarian assistance to organized violence) depend on shared understand-
ings of this nature; recognition helps create the realities that it purports
to describe.

International law furnishes international relations with a regula-
tory mechanism that, with formidable efficacy, structures day-to-day
interactions and resolves conflicts of low and moderate salience.
Although only partially efficacious in addressing conflicts of high sali-
ence – where, for one or more of the parties, the stake in the immediate
outcome rivals the stake in maintaining good standing in the scheme
of international cooperation – international law plays an important
role even here, both in affecting how the parties understand the
conflict and in spurring or limiting the (potentially decisive) reactions
of third parties.

The formal legal status of a ‘state’ or ‘government’ has direct implica-
tions for the rights, obligations, powers, and immunities in which the
international legal order trades. The status at issue – whether that of a
political community that notionally bears sovereign rights or of a ruling
apparatus that concretely deploys those rights in that community’s
name – is generally (notwithstanding some, mostly historical, qualifica-
tions) an all-or-nothing proposition, not a matter of degree.¹
As further detailed below, not all conduct that expresses ‘recognition’ amounts to a legal judgment about the status of principals and agents in regard to sovereign rights, obligations, powers, and immunities. Recognition practices may fall far short of clear assertions of legal status, communicating nuanced messages about degrees of political acceptance. On 11 December 2012, the president of the United States recognized the National Coalition of Syrian Revolutionary and Opposition Forces as ‘the legitimate representative of the Syrian people’. Yet on 12 December, the US State Department clarified that ‘[t]his is a political step, not a legal step’, pointing out that the announcement did not bear on the territorial and property issues that turn on recognition of governments (Schreck, 2012). The US thus ‘recognized’ the opposition coalition, but not its legal standing to act in the name of the Syrian state.2

Where recognition does entail a legal judgment, however, it pertains most centrally to the position of the international legal order on the lawful use of force. Since sovereignty, by definition, is a presumptive monopoly of the last word on what counts as public order in a particular territory, legal recognition is a zero-sum game: where a new state is found to have emerged, the state from which it seceded loses all sovereign right over the territory; where a new government is recognized, its predecessor is de-recognized.

Recognition thus has a ‘dark side’: the new allocation of authority simultaneously revokes an old license for the use of force within specified boundaries, and issues a new one. Of course, international recognition may not, in itself, effectively preclude the de-recognized or un-recognized from undertaking unlicensed recourse to force: recognition of a new state may as easily be associated with the start of a war as with the end of one (as strikingly illustrated by the 1992 recognition of Bosnia and Herzegovina). External recognition inevitably transforms a conflict, but may do so without resolving the conflict.

Moreover, recognition of governments has a distinctive ‘dark side’ that has led many foreign ministries to eschew it in form, if not in substance. Not only may recognition of one contestant apparatus over another represent a rhetorical and symbolic intervention in the internal affairs of the state, but it may entail the passing of conflict-relevant assets from the control of one contestant to that of another, and may authorize the recognized contestant to invite, on the state’s behalf, potentially decisive forms of foreign involvement in the internal conflict. The practice of recognition of governments has had a long association with imperialism, as hegemonic powers have dictated winners and losers of internal conflicts within their ‘spheres of influence’. As detailed below,
the reaction against this imperialistic history has been – often in the name of the ‘abolition’ of the practice of recognition of governments, as though the facts on the ground could speak for themselves – a reliance on the criterion of ‘effective control thorough internal processes’. This effective control doctrine is currently eroding, igniting new struggles for recognition by insurgent governmental apparatuses that, on the basis of normative claims, look to the international community for help in displacing purported usurpers or tyrants.

The dynamics of recognition in the international legal order are thus highly consequential to the outcomes of political conflicts. But the recognition at issue takes a distinctively legalistic form that resists conflation with other forms of recognition that make their own contribution to international politics. It is to this distinctive legal methodology of recognition that we now turn.

States, governments, and the international legal order

The traditional account of recognition in International Law, with respect to both states and governments, repeats a set of well-worn assertions. According to this account, recognition is ‘declaratory’, not ‘constitutive’: the existence vel non of a state is an objective legal fact. In recognizing a state, members of the international community do no more than to acknowledge this fact. Alternatively, in withholding recognition from an entity that meets the factual criteria of statehood, they pursue a policy that may or may not be consistent with legal principles of international order, but they cannot thereby deprive the entity of legal status. Further, goes the traditional account, recognition vel non of governments is a purely political act, and of so intrusive a nature that many states have ‘abolished’ the practice of recognition of governments, either establishing full diplomatic relations or not with such governments as present themselves.

This account, insofar as it is not demonstrably false, depends on dysfunctional definitions of its terms, and fails altogether to support an understanding of the international legal order as a coherent system. States and governments do not simply make their appearance as established legal realities; the facts do not ‘speak for themselves’. Rather, recognition practice – more appropriately defined – is the key to ascertaining legal personality and authorized agency in the international legal order.

No task is more fundamental to the international rule of law than that of identifying both the primary units of the global order and the institutions
that have standing to act in the name of those units. International Law acknowledges ‘states’ as bearers of a distinctive package of rights, obligations, powers, and immunities (i.e. ‘sovereignty’), and attributes to each state a ‘government’ with the legal capacity (for the time being) to assert rights, incur obligations, exercise powers, and confer immunities on the state’s behalf. Where contestation arises over whether an entity has the legal properties of a state or whether a particular governmental apparatus acts validly in the state’s name, legal relationships of all kinds are called into question.

The international order nonetheless lacks institutions specifically charged with identifying states and governments, leaving a decentralized, diffuse, and haphazard process for ascertaining the bearers of sovereignty and their duly authorized representatives. This process – an aggregation of implicit acknowledgments by the bulk of the international order’s members of an entity’s or organ’s legal status – is not identical with what has traditionally been called ‘recognition’, but it relates systematically to that practice.

In recent years, an increasing number of ruling apparatuses fulfilling the standard criterion of ‘effective control through internal processes’ have been stripped of their legal capacity to represent their states in the international order, opening these states to external interventions that heretofore would have been deemed to violate international law.\(^3\) Whereas the internal character of a regime was once considered all but irrelevant to a state’s international legal entitlements in a system of sovereign equality, emergent norms limiting what counts as a legitimate system of internal public order have come to affect those entitlements profoundly. Thus, recognition of governments, far from being peripheral to international law, bears on its very core.

The recent recognition controversies involving the governments of Honduras (2009–10), Côte d’Ivoire (2010–11), and Libya (2011) illustrate both the legal significance of recognition and the momentousness of the shift away from the norm of neutrality in internal conflicts. The latter indicates a revision of the sovereign equality doctrine that establishes the very basis of legal relations among states (Roth, 2011). Thus, recognition of governments requires systematic attention.

**Recognition, political and legal**

Lamentably, international legal materials tend first to define terms such as recognition by reference to historical usage and only then to establish the legal effects of fulfillment of the definitional criteria. Conceptually
superior would be to look to the open legal questions to which an answer is needed – in this case, authoritative identification of the bearers of sovereign rights, obligations, powers, and immunities, and of those apparatuses that validly deploy those legal capacities on the bearers’ behalf – and to establish terminology accordingly.

For reasons of historical usage, the International Law literature ordinarily identifies recognition with overt gestures, such as declarations of recognition, the opening of full diplomatic relations, the issuance of certificates of recognition addressed to internal courts, or the admission of the entity – or, in the case of a putative government, the credentialing of its representatives – to an international organization for which statehood is a requirement. Yet these overt gestures are requisites neither of an entity’s international legal status, nor of other states’ reception of that status. A foreign state or international organization may acknowledge (or take cognizance of) the entity’s legal status, even while being unwilling to make what looks like a political statement in the entity’s favor. Thus, for example, the Restatement (Third) of the Foreign Relations Law of the United States distinguishes formal recognition of states from any legal determination as to which entities U.S. officials are ‘required to treat as a state’, even absent formal recognition (United States, 1987, § 202).

Formal gestures nonetheless typically represent sufficient indications – even though not necessary concomitants – of a legal consciousness that the entity bears a particular status. It is for this very reason that they are said to be ‘declaratory’ of existing legal statuses. Gestures of recognition that are incompatible with existing legal statuses – and thus, for example, prejudicial to the territorial integrity of states from which new entities seek to secede, or to the political independence of states effectively governed by regimes that governments-in-exile seek to overthrow – are most often avoided. Thus, a conferral of formal recognition manifests opinio juris, even though a withholding of formal recognition may not do so.

Meanwhile, opinio juris can be found in other instances of reactive conduct that imply acknowledgment of the entity’s rights, obligations, powers, and immunities, or of the regime’s capacity to assert rights, incur obligations, exercise powers, or confer immunities on the bearer’s behalf. Manifestations of the legal consciousness of being ‘required to treat’ the entity or organ as a state or government properly count as a form of recognition, even if one must find alternative terminology – for example, ‘taking cognizance’, ‘acknowledgment’ – to make the point.
Whereas formal recognition is purely declaratory, there is a compelling argument to be made that implicit legal recognition is constitutive of status. In the words of the celebrated publicist of recognition practice, Sir Hersch Lauterpacht (writing in 1947),

[T]he full international personality of rising communities [...] cannot be automatic [...]. [A]s its ascertainment requires the prior determination of fact and law, there must be someone to perform that task. In the absence of a preferable solution, such as the setting up of an impartial international organ to perform that function, the latter must be fulfilled by States already existing. The valid objection is not against the fact of their discharging it, but against their carrying it out as a matter of arbitrary policy as distinguished from legal duty. (Lauterpacht, 1947, p. 55)

Thus, members of the international community (either separately or in coordination) have a duty to recognize as states those entities that qualify for the status under applicable legal criteria, but it is only their implementation of this duty that brings statehood into being. This approach, like the declaratory approach, acknowledges that the statuses in question are subject to legal criteria. The application of those criteria, however, is often not a straightforward matter. Statehood is supposedly determined on the basis of the ‘Montevideo criteria’, which suggest that a state exists wherever a territory and population are found under the long-term effective control of an independent government, but this generalization does not hold up in practice, given the existence of potentially countervailing doctrines: (1) the Stimson Doctrine, disallowing state creation that is a product of unlawful foreign uses of force; (2) a non-fragmentation norm that disallows ‘premature recognition’ of secessions where the original state continues to resist the breach of its territorial integrity; (3) the right of self-determination as applied to Non-Self-Governing and Trust Territories and to apartheid-inspired vassal states; (4) an emergent doctrine of non-consensual dissolution, in which the collapse of a federation’s central authority is said to trigger a devolution of sovereignty to the federation’s (intact) constituent units. Similarly, governments have traditionally been identified with the holders of effective control through internal processes (subject also to a rule against ‘premature recognition’ of insurgent regimes that have not yet clearly prevailed in their trial by ordeal), but whereas widespread acquiescence in local exercises of authority was once presumed to fulfill the standard of popular sovereignty, this presumption has increasingly
given way to considerations of constitutionality and democracy (especially in cases of coup regimes). Given this complexity, determinations of the status of territorial entities and ruling apparatuses require judgment rather than mechanical applications of rules.

Even those who deny that recognition is legally constitutive of status tend to concede its indirect legal relevance. Without question, while an elaborate body of legal doctrine purports to govern status determinations, whether a territorial entity actually experiences the legal benefits of statehood turns on whether other states treat the entity as having statehood’s legal attributes. As with the old riddle, ‘If a tree falls in a forest and no one is there to hear it, does it make a sound?’, there may be little practical consequence to an objective legal status that the relevant community fails to acknowledge. It remains to be asked only whether the position adopted by states, collectively or aggregatively, can be said to govern the entity’s entitlements, or whether, by contrast, the entitlements are so fully objective that where the bulk of the international community is seen to misapply the fixed legal criteria, states treating the entity in accordance with that collective misapplication can be said thereby to breach their legal obligations.

Either view is conceptually possible, but as a practical matter, the latter view seems implausible, for at least two reasons. First, it assumes away the international community’s need for authoritative judgment as to whether particular doctrinally relevant events will be permitted to affect an entity’s legal status; the facts on the ground can hardly be said to speak for themselves, and yet remarkable coordination has prevailed in this area of state practice, as evidenced by the paucity of genuine recognition controversies in contrast to the plethora of intense crises of local authority. Second, the collective opinio juris in application to the case at hand, if clearly manifested and essentially uniform, can be construed as a refinement of accepted legal doctrine and thus as itself a lawmaking phenomenon.

Individually, foreign ministries and intergovernmental organizations are bound to determine their recognition practices in light of International Law, with an error in either direction potentially entailing a breach of legal obligation. Where the aggregation of such decisions yields a clearly predominant view, however, it is not plausible to question the authoritativeness of that collective judgment. Although there remain some cases where the international reaction is split (e.g. in respect of Kosovo) or where it is difficult to discern whether prevailing state practice reflects opinio juris or is purely political in character (e.g. in respect of Taiwan) (Roth, 2009), the number of ambiguous judgments is remarkably small,
relative to the number of contested cases. Predominantly, it is recognition practice that both constitutes the international system’s units and determines which apparatuses authoritatively speak for those units.

Recognition of governments and the legal capacity to resist intervention

Where contestation arises over whether a particular governmental apparatus acts validly in the state’s name, the implications reach far beyond matters of diplomacy. The legal capacity to assert rights, incur obligations, exercise powers, and confer immunities is at stake. The most extreme consequence concerns the authority to invite foreign military forces to bolster a recognized system of public order against challenges by its rivals. The legal relationship between recognition and intervention is complex, but potentially of decisive importance.

According to such authoritative texts as the 1970 Friendly Relations Declaration: ‘No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. [...] Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State’ (United Nations, 1970). Although these were always overstatements in relation to actual international practice and opinio juris, a crosscutting majority of states for decades expressed strong support for the norm of territorial inviolability, both in the abstract and in application to specific cases.\(^\text{10}\)

The non-intervention norm found forceful and authoritative expression in the 1986 International Court of Justice (ICJ) Nicaragua decision (International Court of Justice, 1986, pp. 263–4). The ICJ there insisted that to disallow a state’s adherence to any particular governmental doctrine ‘would make nonsense of the fundamental principle of State sovereignty, on which the whole of International Law rests, and the freedom of choice of the political, social, economic and cultural system of a State’ (International Court of Justice, 1986, p. 263). The Court invoked the Friendly Relations Declaration and related documents that ‘envisage the relations among States having different political, economic and social systems on the basis of coexistence among their various ideologies’ (International Court of Justice, 1986, p. 264).\(^\text{11}\)

The international legal order thus eschewed any externally specified normative formula for ascertaining ‘the will of the people’ that was to be ‘the basis of the authority of government’ (United Nations, 1948, Article 21 (3)). A regime’s legal capacity to assert the right of non-intervention
stemmed from the test of ‘effective control through internal processes’, a trial by ordeal. The non-intervention norm amounted in practice to a right of territorial political communities to be ruled by their own thugs and to fight their civil wars in peace (Roth, 2011, p. 81).

The explanation for the hard-edged nature of the non-intervention norm lies in the Cold War-era divisions of ‘First, Second, and Third Worlds’, and in a general appreciation of distrust and dissensus in matters relating to the legitimacy of internal systems of public order. Given the era’s geopolitical and ideological conflicts, the bulk of states tended to see exploitative or partisan intentions behind even the most plausibly humanitarian interventions – for instance, of India in East Pakistan, Vietnam in Cambodia, or the United States in Grenada.

Internal armed conflict was widely perceived not as an anomaly or as evidence of ‘state failure’, but as a legitimate way for questions of public order to be worked out within states. Internal wars typically succeeded in presenting themselves as struggles between ideologically motivated factions for standing to speak for the undivided population, rather than as ethno-nationalist bloodletting or as the simple thuggery of armed gangs. After all, during this period, most governments in the world traced their origins more or less directly to a coup d’état, insurrection, or decisive civil war. In the prevailing imagination, a winning faction – absent unlawful assistance from a foreign power – demonstrated its worthiness of representing a given political community by achieving and maintaining effective control, that is, acquiescence of the bulk of the populace in that faction’s project of public order.

The non-intervention norm entailed a presumptive duty of foreign states to refrain from interference in civil strife on either side. Although in the first instance, before the efficacy of the insurgency was such as to call the government’s hold on the country into question, the established government had the authority to invite foreign military assistance on its territory (e.g. Doswald-Beck, 1986; Institut de Droit International, 2007) – an authority that insurgents never enjoy – the advent of a full-fledged civil war was seen to negate the popular acquiescence that had alone grounded the regime’s authority to invite military assistance in the name of the political community as a whole, thereby triggering, in principle, a duty of neutrality for outside forces.

However, this prescription of neutrality in civil wars did not render recognition of governments irrelevant to intervention, for at least two reasons. First, where the opposition’s efficacy could be traced to inadmissible foreign assistance – almost a given where a government receiving support from abroad is nonetheless successfully challenged – the
established government could always invite counter-intervention. Thus, the duty of neutrality in practice gave way to a license to aid the recognized government. Second, the notional duty to refrain from aiding the recognized government in a civil war derived solely from the peculiar ‘trial by ordeal’ logic of legitimate authority, whereby the very efficacy of resistance vitiated the rationale for recognition. If recognition were ever to be predicated on a different ground – a substantive standard of legitimacy, whether rooted in externally grounded criteria (e.g. a right to democracy), internally grounded criteria (e.g. adherence to a pre-existing constitution), or some combination (e.g. adherence to a pre-existing constitution certified as democratic) – then efficacious rebellion would not vitiate the legal capacity of the recognized government to solicit armed assistance.

The post-Cold War era has seen a departure from the standard of ‘effective control through internal processes’, with coups, insurrections, and civil wars no longer being regarded as ‘processes’ that yield legitimate governments so long as the outcomes are untainted by illegal outside intervention. International reactions to the 1991 coup in Haiti and the 1997 coup in Sierra Leone opened the way to a new, though still ill-defined, approach. In each of these two cases, there had been a landslide victory of the ousted president in a very recent, internationally monitored election, as well as notorious brutality and demonstrable unpopularity on the part of the forces involved in the coup. As a result, a vast diversity of international actors, cutting across the international system’s plurality of interests and values, were able to perceive in common a population’s manifest will to restore an ousted government. Consequently, the ousted governments each retained recognition as the sole legitimate government, and as the seated government at the United Nations, laying the groundwork for their eventual restoration by (directly or indirectly authorized) armed foreign intervention (Roth, 1999, pp. 366–87, 405–9).

Although developments have yet to fully vindicate Thomas M. Franck’s 1992 proclamation of an ‘emerging right to democratic governance’ (Franck, 1992; Fox, 1992), internationa```
elections by 54 percent to 46 percent, refused to yield power to the Northern-based opposition movement led by presidential candidate Alassane Ouattara. In response, UN peacekeepers, deployed under a Chapter VII Security Council resolution (United Nations, 2011), took partisan military action that helped to install an internationally recognized Ouattara Government. Gbagbo, who in the earlier mindset would have appeared as an equally legitimate contestant for power, now finds himself awaiting trial before the International Criminal Court.

Even a very short time ago, the evidence that these episodes augured the demise of the basic principle of ‘effective control through internal processes’ seemed highly equivocal. While Jean d’Aspremont asserted in 2010 that ‘the recognition of overthrown democratic governments is generally not questioned and the recognition of putschists [is] systematically denied’ (2010, pp. 455–6; 2006), this contention could be still questioned as reliant on cases bearing exceptional circumstances or inclusive of cases in which the international community, even if condemning the coup, did not manifestly treat as a nullity the coup regime’s authority to represent the state (Roth, 2011, pp. 208–17). And it remains true, as Mikulas Fabry has noted, that responses to coups ‘have varied not just across different organisations or countries, but also in the course of the same organisations’ or countries’ treatment of nominally like cases’ (Fabry, 2009, p. 735).

However, reactions to recent coups in Mali and Guinea-Bissau reflect strikingly little regard for the venerable standard of neutrality in civil strife; in both cases, UN organs have made clear that the coup regimes are not governments for purposes of International Law, and that their purported exercises of sovereignty will not be taken as emanations of genuine state authority. A dramatic illustration of the legal consequences of such non-reception of a government’s authority can be seen in the 2011 Libya crisis, where the insurrectional faction in Libya won recognition from major states as the legitimate government, albeit without any constitutional or electoral mandate, and even while its military prospects remained uncertain. One legal consequence, apart from the denial of a diplomatic voice to the Gaddafi regime at the UN and elsewhere, was the granting to that oppositional faction of access to Libyan state assets held in foreign banks.

**Honduras 2009: a case study in ambiguity**

The international system’s reaction to the 2009 Honduran coup demonstrates that the international system’s second-guessing of governmental
legitimacy is not limited to cases in which a regime is perceived to be manifestly repudiated by an overwhelming majority, or to have committed atrocities that place it in default of inherent responsibilities of governance. The overthrow of President Manuel Zelaya prompted a unanimous UN General Assembly demand for Zelaya’s restoration (United Nations, 2009c), notwithstanding evident divisions within Honduras’ constituted institutions as well as among the populace at large. The case for continued recognition of Zelaya rested exclusively on an interpretation of the Honduran Constitution that, however well grounded in the text, has been overwhelmingly rejected by established Honduran judicial and legislative institutions (Cassel, 2009). Far from being manifestly the people’s choice, Zelaya was a narrowly elected president near the end of his term, disowned by his own political party, and increasingly given to polarizing and apparently unconstitutional measures (whether for worse or, just as plausibly, for better). Honduran society was manifestly divided, with a CID-Gallup poll showing, not implausibly, 46 percent opposed to the coup versus 41 percent in favor (CID-Gallup, 2009).

Notably, when the de facto regime sought to pre-empt suspension by withdrawing Honduras from the Organization of American States (OAS), OAS Assistant Secretary General Albert R. Ramdin responded that ‘[t]he current regime is not recognized as the legitimate government of Honduras. And so only a legitimate government can withdraw from the organization’ (Thompson and Lacey, 2009). How seriously this statement was intended, and how far its implications were deliberated, remain open questions. It would be one thing for the OAS to suspend ‘Honduras’. It would quite another thing for states and international organizations to acknowledge a government-in-exile as exercising the authentic executive aspect of Honduran sovereignty.

The implications of this development were never tested, because the Honduras crisis had a near-term expiration date. Zelaya’s term was coming to an end in January 2010, at which point all constitutionally grounded claims on his behalf would dissipate. The new government of President Porfirio Lobo, deriving from October 2009 elections that were not seriously marred by irregularities and boycotts, faced problems in its diplomatic re-incorporation into the international system, but it did not face an internationally recognized government-in-exile that could call into question its legal capacities.

The Honduran case nonetheless raises disturbing questions. Constitutions do not constitute states, but rather presuppose them. What constitutions ‘constitute’ are the governmental apparatuses that
act in the name of states. When, as frequently occurs, a state's constitutional order is swept away, the state's international legal personality remains unaltered, as do its existing international obligations. The international legal order as we have known it is properly understood, not as a legal order of legal orders, but as a legal order of sovereign political communities that each bear an ‘inalienable’ *pouvoir constituant*. That *pouvoir constituant* logically includes an authority (insofar as its exercise is deemed authentically attributable to its bearer) to overthrow any existing domestic order by any means.

There is nothing to prevent International Law from developing in a different direction, privileging constitutionalism and democracy. It should be noted, however, that constitutionalism depends on many things besides adherence to any particular constitutional norm or even whole constitution. It is hard to see why particular constitutional orders that are plausibly flawed should have a claim to international reinforcement. Moreover, democracy depends on many things besides constitutionalism. While democratic practice cannot be sustained for any length of time without a constitutionalist ethos – a commitment to establish, maintain, and respect a broadly acknowledged framework for the legitimate exercise of power – it does not follow that all departures from that ethos are inimical to democracy. Special conditions – such as a threat of societal chaos or a blocking of needed reforms by entrenched holders of economic and social power – may plausibly necessitate exceptional appropriations of power in service of constitutional or democratic ends. Where assertions to this effect are embraced by substantial constituencies, the words ‘essentially within the domestic jurisdiction’ reflect the prudence of the sovereign equality principle so central to the international legal order that we have lately known.

**Conclusion**

The emerging practice of non-recognition of coup regimes and other effective governments can by no means be characterized as mere symbolism or political hand-waving. At stake are the fundamental inviolabilities of states in the sovereign equality-based international legal order.

Of course, recognition of usurpers as having authority to exercise the sovereign rights of the territorial communities that they have hijacked threatens to turn sovereign prerogatives into a bane to those very communities to which International Law ultimately attributes those prerogatives (Reisman, 1990). To be sure, there are real instances of
confrontation between ‘the regime’ and ‘the people’, and even more frequent instances in which the regime resembles a criminal enterprise or a street gang more than anything that can properly be called a government. A major problem with the conventional wisdom of the period from the late 1950s to the late 1980s was the tendency to dignify, as a manifestation of a political community’s self-determination, whatever patterns of effective control might emerge from internal processes.

However, it is important to guard against too uncomplicated a view of internal political conflict. The current conventional wisdom overcorrects by far, and tends to deny that coercion, force, and violence are natural consequences of societal polarization. Harsh measures and departures from liberal-democratic mechanisms have often had substantial bases of popular support. It is frequently difficult to gauge these matters in real time – and sometimes difficult in retrospect, as participants and observers often re-write their histories. Even some of the more celebrated recent events have given rise to significant misperceptions about the popular support for, and real significance of, particular movements.

Recognition in general, and recognition of governments in particular, cannot properly be treated as peripheral to International Law. Properly understood, recognition is foundational to international legal entitlement. This phenomenon has never been more consequential, as developments in the recognition of governments have come to challenge – perhaps even to transform – the norm of non-intervention that lies at the core of the sovereign equality-based legal order.

Notes

1. Historically, international law has allowed for a limited ‘de facto recognition’ of renegade territorial entities, without regard to their legality or legitimacy, insofar as their efficacy affects the interests of foreign states. It also has allowed for the ascription of ‘insurgent’ or ‘belligerent’ status to sufficiently efficacious oppositional forces within a state, the latter of these statuses undermining the exclusive capacity of the recognized government to invite foreign assistance in the internal conflict. Formal invocation of these doctrines has waned, arguably so far as to imply desuetude.

2. Relatedly, on 29 November 2012, the United Nations General Assembly, acknowledging that ‘132 States Members of the United Nations have accorded recognition to the State of Palestine’, voted 138 to 9 (with 41 abstentions) to establish Palestine as ‘a non-member observer State’ of that body (United Nations, 2012a). Yet while the General Assembly affirmed ‘its determination to contribute to the [...] the attainment of a peaceful settlement [...] on the basis of the pre-1967 borders’, it stopped short of suggesting that Palestinian statehood at present encompasses all territory of the pre-1967 West Bank
(including East Jerusalem), a suggestion that might, inter alia, be taken to invite third states to take forcible measures of collective self-defense against Israel’s armed presence in that territory in order to restore the Palestinian state’s territorial integrity. The affirmation of Palestine’s statehood thus appears to fall short of an affirmation of statehood’s traditional hallmark: a monopoly of the legitimate use of force within a given piece of territory.

3. I covered this topic at great length over a decade ago (Roth, 1999). Since then, this trend has accelerated.

4. Thus, for example, the Badinter Commission report on the 1991–2 break-up of the Socialist Federal Republic of Yugoslavia (SFRY) recommended non-recognition of new entities emerging from the SFRY’s ‘dissolution’, pending fulfillment of normative criteria involving the treatment of ethnic minorities (Conference on Yugoslavia Arbitration Commission, 1992). However, the Badinter judgments’ legal determination must be understood as limited to the supposed legal fact of the dissolution of the federation into its component republics. What remained to be resolved through recognition was not the statehood of Croatia or Bosnia and Herzegovina, but the political reception of these new states into the international community. Given this reality, it is unsurprising that the call to withhold recognition, pending the proposed political reforms, went widely unheeded.

5. A refusal to alter the recognitional status quo in the face of changed material circumstances may sometimes be intended as purely symbolic. For example, the continued international recognition of the Rabbani Government of Afghanistan – by all states other than Pakistan, Saudi Arabia, and the United Arab Emirates – during the period of overwhelmingly predominant Taliban control (from at least 1998 until the US intervention of 2001) does not seem to have reflected any legal judgment, as legal justifications of external actions against the Taliban hardly ever invoked the assent of the recognized government.

6. According to Lauterpacht, the view of recognition ‘approximating most closely to the practice of States and to a working juridical principle is (a) that recognition consists in the application of a rule of international law by way of ascertaining the existence of the requisite conditions of statehood; and (b) that the fulfillment of that function in the affirmative sense – and nothing else – brings into being the plenitude of the normal rights and duties which international law attaches to statehood’ (Lauterpacht, 1947, p. 73).

7. James Crawford, for example, maintains that ‘[a]n entity is not a State because it is recognized; it is recognized because it is a State’ (2006, p. 93). He nonetheless maintains that recognition can ‘have important legal and political effects. Recognition is an institution of State practice that can resolve uncertainties as to status and allow for new situations to be regularized. That an entity is recognized as a State is evidence of its status; where recognition is general, it may be practically conclusive. States, in the forum of the United Nations or elsewhere, may make declarations as to status or “recognize” entities the status of which is doubtful; depending on the degree of unanimity and other factors this may be evidence of a compelling kind’ (p. 27, footnotes omitted). However, since the presence or absence of objective criteria
can be independently ascertained (and indeed, far more accurately so in the absence of the distortions introduced by diplomacy), it makes no sense to speak of recognition as providing ‘evidence’ – let alone ‘practically conclusive’ evidence – for an entity’s fulfillment of such criteria. What recognition establishes is not some empirical truth about the entity, but rather the position that states and intergovernmental organizations take toward the entity.

8. Crawford rejects this reasoning on the ground that in international law generally, neither individual nor collective determinations of states have definitive legal effect (2006, p. 20). But the notorious puzzle of the role of *opinio juris* in customary law formation is precisely this: that a legal duty is constituted, in part, by the widespread state perception of the existence of the duty. The anomaly seems no worse in the application of norms than in their formation.

9. That this is not an entirely moot question is demonstrated by Robert D. Sloane (2002). Sloane attributes Tibet’s pre-1950 lack of international recognition wholly to the combination of Tibet’s peculiarly unassertive leadership and the crassly political decisions of the very few interacting states. He contends that China’s control of the territory to this day represents an illegal occupation of a Tibetan state that maintains an objective legal existence (Sloane, 2002, pp. 135–51).

10. Instances and patterns are elaborated throughout Roth (1999) and Roth (2011).

11. In the words of Robert Jackson, ‘perhaps the most fundamental [concern of modern international society] has been [...] to confine religious and ideological weltanschauungen within the territorial cages of national borders’, the goal being ‘to prevent unnecessary confrontations and collisions between different states that are inspired and driven by the assertion of their own preferred values’ (Jackson, 2000, p. 368). Gerry Simpson (2001) has similarly articulated the pluralist vision associated with the Charter, as contrasted with the ‘liberal anti-pluralism’ of a set of leading United States-based International Law scholars (i.e. Thomas M. Franck, Anne-Marie Slaughter, W. Michael Reisman, and Fernando Tesón). For related defenses of sovereign prerogative grounded in a qualified pluralism, see Cohen (2004) and Kingsbury (1998). This sovereign-equality-oriented approach to international legal order contrasts with the prior historical tendency of the international system to cast particular states as non-right-bearing outlaws (Simpson, 2004).

12. United Nations (1971), calling ‘upon the Governments of India and Pakistan to take forthwith all measures for an immediate cease-fire and withdrawal of their armed forces on the territory of the other to their own side of the India-Pakistan borders’, thereby indirectly repudiating the Indian intervention that resulted in the establishment of Bangladesh.


15. There is no doubt that the latter frequently masqueraded as the former, often for the sake of procuring weapons and other assistance from the rival
blocs. Somali dictator Mohammed Siad Barre and Angolan rebel leader Jonas Savimbi are two notorious examples of leaders who shifted ideological affections, as convenient, to enlist foreign support for essentially non-ideological agendas. For an empirically supported argument that the cross-era difference in the character of civil wars was more appearance than reality, see Kalyvas (2001).


17. See United Nations (1970): ‘no State shall [...] interfere in civil strife in another State’; United Nations (1981) (passed 120–22–6 over the opposition of many Western liberal states), Annex, Article 2(f) (affirming ‘[t]he duty of a state to refrain from the promotion, encouragement, or support, direct or indirect, of rebellious or secessionist activities within other States, under any pretext whatsoever, or any action which seems to disrupt the unity or to undermine or subvert the political order of other States’ [emphasis B. R.]); Convention on Duties and Rights of States in the Event of Civil Strife (134 L.N.T.S. 45), entered into force 21 May 1929 (Inter-American treaty forbidding ‘the traffic in arms and war material, except when intended for the Government, while the belligerency of the rebels has not been recognized, in which latter case the rules of neutrality shall be applied’); Institut de Droit International (1975).

18. For a balanced attempt (co-authored by a proponent and skeptic) to evaluate Franck’s claim just short of a decade later, see Fox and Roth (2001).

19. In some cases, such as Cambodia, Kenya, and Zimbabwe, the international community has promoted or at least abided power-sharing between electoral winners and losers that entailed, from a liberal-democratic perspective, undue concessions to losers. In Bosnia, an Office of High Representative administers what is effectively an international trusteeship, occasionally removing elected leaders (including two members of the collective presidency) for obstructionism in the implementation of the consociational settlement.

20. United Nations (2012b) affirms the Council’s ‘strong condemnation of the forcible seizure of power from the democratically-elected Government of Mali [and] renews its call for the immediate restoration of constitutional rule and the democratically-elected Government and for the preservation of the electoral process’.

21. United Nations (2012c) demands the ‘immediate restoration of the constitutional order’ and imposes Article 41 personal sanctions on Guinea-Bissau’s coup leaders.

22. To be sure, there is some irony in the fact that the same UN Security Council Presidential Statement that condemned the Mali coup in the name of constitutionalism and democracy also ‘commends the work of President Blaise Compaoré, as ECOWAS facilitator, in promoting the return to full civilian authority and the effective reestablishment of constitutional order in Mali’ (United Nations, 2012b). Compaoré had held power in Burkino Faso ever since his own coup in 1987.

23. ‘The move means billions of dollars of Libyan assets frozen in US banks could be released to the rebels’ (BBC News, 2011).
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United Nations (2009c) *General Assembly Resolution 63/301*.

Statebuilding and the Politics of Non-Recognition

Rebecca Richards and Robert Smith

Recognition of sovereign statehood is the final obstacle facing those political entities in the international system that want to be states. For unrecognized states – those political entities existent within the international system that are states in everything but legal standing – recognition of sovereign statehood is the ultimate goal. The very act of granting recognition imparts a drastic change in the juridical legality and placement of the political entity under question, even though empirical change is unlikely in what are already developed political systems. Vague and inconsistent legal and quantifiable standards and precedents surround how much recognition, and by whom, equates to the granting of sovereignty. Still, those entities aspiring to statehood continue to hold it up as the goal to be reached. For most, it is the Holy Grail, a mythical achievement that will exist only as an aspiration. Regardless, the quest for recognition, and existence within the space of non-recognition, carries powerful political agency within these unrecognized states.

Lack of sovereign recognition carries with it significant detriments. Despite increasing international attention, the connotation of danger and deviance still remains attached to these ‘breakaway’ entities (e.g. Kingston and Spears, 2004; Pegg and Berg, 2014). Because of their placement both within and outside the confines of a recognized state, many of these entities exist within the condition of unresolved conflict (Lynch, 2004). Further, even if peaceful, not being ‘a state’ means being excluded from international legal frameworks; limits to travel, business opportunities and security considerations for the government and the people; and less tangible factors such as identity and cohesion that can suffer if long-awaited and often long promised recognition does not come (Caspersen, 2012; Caspersen and Stansfield, 2011; Pegg, 1998). As Caspersen (2012, p. 50) notes, unrecognized states ‘all find themselves in a position of
'limbo', striving to maintain a state-like political entity without the benefits of a place within the international system of states. Further, this state of suspended animation places limitations and boundaries on the socio-political development and evolution of a state, its institutions, its practices, and its identity. Political pressures and demands from both outside and within are intense, yet chances for recognition are remote (Caspersen and Stansfield, 2011, p. 6). In addition, normative demands for statehood dictate that aspiring states must present themselves as liberal, democratic, and peaceful; the ‘state’ cannot be characterized by strong-arm tactics and authoritarian rule. Because of this, unrecognized statehood demands a high level of domestic legitimacy and support (Caspersen, 2012; Kolstø and Blakkisrud, 2011; Richards, 2014). The existence of unrecognized states may be challenging to the international system, but surviving as an unrecognized state is difficult and demanding.

In the language of recognition is the language of acceptance. In the language of recognition of statehood is the language of acceptableness and worthiness. Empirically and normatively, ‘acceptable statehood’ revolves around liberal understandings and frameworks, ideas such as good governance, democratization, human security, and that which is ‘known’ and familiar to the West. It is what Rotberg (2004) identifies as necessary political goods and what Jackson (1990) discusses in terms of empirical statehood. However, the key component of the equation is not recognition: recognition does not make a state ‘acceptable’ in terms of normative demands or expectations of statehood, just as non-recognition does not make a state deviant or dangerous. What recognition is is acceptance: it is acceptance into the club of statehood and all that goes with it.

Even in the most basic definitions and criteria for unrecognized states there is a demand for state-like existence during a period of non-recognition. In their criteria, Caspersen and Stansfield (2011) stipulate what appears to be an arbitrary two years of existence as a state-like entity for the territory to be considered an unrecognized state. The time frame, however, is less important than what it indicates; it is in this period that secessionist movements are separated from unrecognized states and that warlords or rebels turn into statebuilders (Kolstø, 2006). Although recognition is the ultimate goal for these state-like entities, and it can certainly act as a stabilizing factor (Kolstø, 2006), the period of non-recognition offers a period of relative autonomy, allowing for necessary internal processes to take place with minimal direct external involvement. It is a period when liberation movements can use isolation to
establish the narrative, the identity, and the structure of the state. It is this period that provides the foundations for external interaction, whether that is the quest for full or for partial recognition. It is in this period that the state is born. Based in understandings of statebuilding, this chapter examines a side to recognition that is often overlooked: the politics and benefits of non-recognition. This chapter explores the space of non-recognition surrounding unrecognized states. Through the lens of statebuilding and utilizing examples from the cases of Somaliland and Kurdistan, the chapter considers the role of non-recognition in the development of society-state relations in the new ‘states’ in terms of flexibility of state, identity, and ultimately resilience.\(^1\)

**Statebuilding, statehood, and demands**

In today’s increasingly interconnected world, states cannot function in isolation. Even those states or entities not in direct contact with international institutions or developmental organizations are still subject to being externally influenced by normative standards and policy precedents. In the realm of statebuilding and political development, international norms of what it means to be an acceptable or successful state impact upon both external action and domestic policy within developing states and, in particular, unrecognized states. For the latter, conforming to acceptable standards of statehood is perceived to be vital to attracting and maximizing investment and developmental assistance that can only be obtained following recognition of sovereignty. For some, therefore, the style and functions of the state become a tool for economic and political survival (Richards, 2014).

In statebuilding, the frameworks of good governance are seen as ‘a “silver bullet” capable of assisting states in coping with the problems of our complex globalised world’ (Chandler, 2010, p. 1). Rooted in the belief that liberal democracy is inevitable given the chance, the approach to externally led statebuilding is one dominated by building institutions as the means through which to bring stability, security, development, peace, and provision (Chesterman et al., 2005; Ghani and Lockhart, 2005; 2008). It is highly political and may include some deference to local considerations, but the project itself best reflects external demands, agendas, and requirements – a checklist of sorts (Richards, 2014). The expectation is that after a short period of time, a stable political entity will stay standing and will be handed over to local leaders, at which point local ownership is supposed to take place and the population will support it (Call, 2008). However, when looking at unrecognized states,
as Kolstø (2006) notes, the process is reversed and local ownership and domestic support precede and exist in tandem with the building of the state. In unrecognized states, especially those in which a strong patron state does not exist, a different form of statebuilding can be seen, one that exhibits flexibility and latitude because of non-recognition. Recognition is the odd bedfellow of non-recognition, though, and in statebuilding in unrecognized states it is a vital and powerful component of the process, the strategies, and the identities created. However, in statebuilding in unrecognized states, non-recognition and the space around it provide for an alternative, and more stable, form of statebuilding.

**Non-recognition and flexibility**

Unrecognized states look and act like states that comply with the norms of acceptable statehood; doing so is perceived to be necessary for bringing the greatest chance of recognition. Generally, they play by the rules and posit themselves as ‘good’ states and exhibit ‘acceptable’ statehood in order to ‘prove’ their statehood. Further, the ongoing process of statebuilding in an unrecognized state is underpinned and dictated by the mutually constitutive relationship between the quest for recognition and the need for continued stability and existence as a ‘state’. In the language of acceptable liberal statehood, the expected outcomes for unrecognized states and those being rebuilt, developed, or strengthened through external intervention are the same. However, without direct involvement and intervention in the project and the process, statebuilding in unrecognized states takes place with a degree of latitude and flexibility that is not available in interventionist projects in recognized states. This flexibility is possible because of, not in spite of, non-recognition (Richards, 2012; 2014).

All interventionist projects are shaped by conditionality, whether it is direct action or indirect intervention through structural or normative pressure or expectations. Unrecognized states are not immune from this even within the condition of non-recognition. In externally led statebuilding, reform, and development projects, conditionality is attached to the process. Conditionality comes not only from expectations for the functions or shape of the state and its institutions but also from demands of external actors involved in the process. In externally led statebuilding, because of this conditionality sovereignty is exercised from the outside rather than from within (Richards, 2014). Domestically led statebuilding, on the other hand, benefits from not being directly subjected to this complex and often damaging ‘external factor’. Although
exclusion from direct international intervention can create difficulties, and although some unrecognized states do not meet this condition due to the existence of a strong patron state, removing the complexities of an agenda-driven international actor operating under set guidelines or expectations can prove highly beneficial for an emerging or rebuilding state. In statebuilding in unrecognized states, conditionality is attached to the outcome rather than the process, allowing for more flexibility in the process itself.

Because of the goal of recognition, unrecognized states are still operating within the normative frameworks of the international system, but at the same time, because of their non-recognized standing, they exist and operate outside of the institutional frameworks. If we think of these as spheres, where the normative and the institutional overlay and exist in tandem, we can identify conditionality. This is the space in which most recognized states exist. However, where the normative extends beyond the institutional – the space of non-recognition – we find flexibility. The space of non-recognition allows unrecognized states to exhibit a degree of flexibility not seen in external projects, flexibility that, in combination with other powerful factors such as the quest for recognition, allows for the potentially ‘ill-suited’ foreign model of statehood and practice not to be discounted, but rather to be negotiated with local necessities, local institutions, and local mechanisms of governance. Indeed, within self-led statebuilding projects, a balance must be reached between external expectations and internal necessities, a balance that is possible because of non-intervention found within the space of non-recognition, and a balance that provides stability to the ongoing socio-political process of statebuilding. The flexibility that non-recognition allows can be seen in the political settlement in Somaliland. The incorporation of clan governance structures into central government sits outside of established practice for externally led statebuilding projects. However, the utilization of clan governance served as a mechanism for stability and legitimization, and therefore was central to statebuilding in Somaliland, including the introduction of democracy and ‘modern’ governance (Renders, 2012; Richards, 2012; 2014). The flexibility afforded to Somaliland in the establishment of its institutions and practices allowed Somaliland to respond to what was necessary domestically rather than what was externally preferred.

Statebuilding encompasses a political struggle among political actors over political power and the distribution of that power. This struggle takes place for the power to govern, not only between domestic actors but also ‘between international preferences and local preferences' (Woodward,
In maintaining a technocratic and institutional approach, externally led statebuilding fails to recognize and accommodate these power struggles, thus creating obstacles for legitimizing the state and for sustaining stability. Domestically led statebuilding projects are not immune from these struggles, and in many ways are more susceptible to destabilization because of them. This is particularly the case for those entities without a patron state and therefore lacking in external accountability. However, this fragility is counter-balanced by the flexibility that the state of non-recognition brings.

**Non-recognition and identity**

While non-recognition provides the possibility of flexibility within domestically led statebuilding projects, it is not a panacea. Difficult questions remain, not least, why should the state exist? Successful states foster a sense of identity and attachment among their populations. The state is not only institutions; it is also what Buzan (1993) considers the idea of the state. In this, the state is an abstract that reflects and embodies the political culture of a territory and its population. Physically, the state can be identified by its foundations of territory and population, yet as Buzan (1993, p. 38) notes, it is more a ‘metaphysical entity, an idea held in common by a group of people, than it is a physical organism’. Similar to Anderson’s (1991) imagined communities, this idea of the state binds together a population, cyclically determined by and determining the population’s expectations of the political entity encompassing it. The basis of this attachment is not a definitive science and can be the result of multiple sources, whether linked to ethnicity, ideology, collective history, or cultural values. The resulting narrative and identity, therefore, reflect the needs, desires, and expectations of the population. Successful states use their institutions to both reflect and also reinforce the identity, whether it is through the practice of government, the history that is taught in schools, or the composition of their armed forces. States that create stability and foster a shared identity among their people can be identified; however, the path toward this achievement is not uniform.

As will be discussed further in the next section, unrecognized states depend upon societal support and domestic legitimacy for their continuation. Within this, identity, narratives, and nation-building are cornerstones of societal ownership of the state. The identities that emerge for both Somaliland and Kurdistan are an implicit rejection of Somalia and Iraq; however, to build support for a new autonomy requires more than a rejection of Mogadishu or Baghdad. The identities that have emerged
in both territories are the result of a myriad of factors, including shared histories that are invoked as a point of cohesion. These identities have also emerged out of internal debates about how the state should be organized and an external projection to the international community of the values of the new territory. These processes are a form of non-ethnic nation-building that serves to not only unite the population but also to define them.

While the ultimate goal for unrecognized states is international recognition, this process begins with building internal support for separation. As the process continues, identity and narrative become both a benefit and a necessity stemming from the condition of non-recognition. A narrative therefore develops to suggest possible answers to the question, why should a state exist? The case for a new state can begin through a shared and evolving history. This is the basis for Anderson’s and Buzan’s characterizations of ideational and imagined states. Writing about ethnic conflict, Brown highlights the role of shared histories in shaping identity (2010, p. 98) and separateness. This is certainly a starting point, however a shared history is not enough to sustain an unrecognized state. In the unrecognized states we consider, the population’s attachment to a new state is the result of a combination of factors. At its core there is a belief that the new territory will be better at representing the interests of its population, either because the parent government is dysfunctional or because the people are excluded from power on discriminatory grounds. Building from this, the narrative of the state and the identity it underpins serve to legitimize the process and the existence of the entity. For Somaliland, societal investment in the state-building process started with shared pain stemming from Siad Barre’s brutal campaigns during the civil war. Today, though, it has evolved to centre on the idea of ‘this is necessary to achieve what we want, and we’re all in it together’ (SADP/WSP, 2003, p. 4). The ‘want’ here is a separate state, but it is not necessarily a state that conforms to the external liberal model. Instead, it is recognition of sovereignty that will bring tangible benefits such as increased trade and travel. This is perhaps best epitomized by a market trader in Hargeisa who, when asked what he wanted the state to be, stated that it should provide him with a passport. Underpinned by narratives about democracy and liberal statehood, the Somaliland identity also involves a strong expectation of recognition. It is this expectation that facilitates societal investment in political action deemed necessary to fulfilling the goal. At the same time, however, the inability to fulfil the almost arrogant expectation is a potential point of fragility not only in the Somaliland identity but also in unrecognized Somaliland itself.
Kurdistan demonstrates the evolution of narratives from a primordial nationalism to being the region that proved ‘Iraqis could be democratic and peace loving, given half a chance’ (Anderson and Stansfield, 2004, p. 162). As such the identity that is attached to the state here is upgraded from being a simple recitation of ethnic demands to a set of values that can spread beyond its original core community. The example of Kurdistan also highlights the role that a shared history and brutality play in developing identity and legitimacy. The dream of a nation-state for the Kurdish people gained significant leverage with the Anfal campaign, a campaign of genocide launched against Iraqi Kurds by Saddam Hussein in the late 1980s. For Somaliland, similar brutality at the hands of Siad Barre underpinned the initial identity of an independent state. The survival of brutality creates strong narratives for separation, ‘for people who have known genocide there is only one thing that will do: a nation state of their own’ (Ignatieff, 1993, p. 151). The historical narrative centred on these events remind people of the suffering previous generations endured, thus creating a sense of security and protection under the new government. Carefully retold and maintained, these stories are interwoven into identities and narratives. In Kurdistan, the memory of the Anfal is invoked through anniversaries, conferences, and public history (KRG, 2012). For Somaliland, the genocidal campaign is part of the ‘story’ of Somaliland told to outsiders, and a constant memory is maintained in public monuments in the major cities. Indeed, at the top of a Google images search for ‘Hargeisa’ are pictures of one of Barre’s airplanes that was shot down over Hargeisa during the civil war; it is now a public monument. It is a constant reminder of the violence, the sacrifice, and the fight to be Somaliland.

While it would be possible to see historical narratives as purely a tool of political rhetoric – a story that is told to justify a policy that is already agreed – this underplays their ability to shape identity. The development of Kurdistan after self-government was bestowed on it in 1991 was not an unalloyed success, as the region was plagued by political conflicts and corruption. Yet, as Iraq emerged from dictatorship, Kurdistan appeared as the most free, prosperous, and peaceful region. Even though troubled, the period of isolation that followed 1991 had allowed for the development of a separate and sustainable identity, an identity that is reflected in the relationship between state and society today. In unrecognized states, the creation and evolution of identity in this way is a form of nation-building. Because of the constant reiteration of a narrative, it creates and sustains a separate identity; it is a self-perpetuating and evolutionary process. For Somaliland, the rhetorical link between good
governance, democracy, and recognition has become a reality, thereby changing societal expectations and demands of what the state is or must be. Invoking the ‘we’ve been disadvantaged, harmed, hard done by or screwed’ is a starting point, but the ‘this is who we are and what we want to be’ reinforces the link between society and the process. As a reminder, it acts as a point of stability and support necessary to sustain existence in a state of non-recognition.

Historical narratives and justification for statehood that rely solely on community security will only take the case for statehood so far, though. Unrecognized states also contain an implicit narrative for different, often better, governance. Both Kurdistan and Somaliland emerged as state entities at points in their parent state’s history when the centre was weak, and both see the opportunities that self-government can bring. Narratives are not solely directed inward, however. External narratives reinforce justifications for recognition: good governance, compliance, and readiness to meet international norms. Because of quests for recognition, external narratives also become part of the overall narrative and identity of the unrecognized state. Thus, non-recognition results in the creation of an identity that not only reflects a shared history but also envisions a shared future.

Local ownership, resilience, and strength

Interaction with unrecognized states does take place in the international system, although most of it falls under the guise of interaction or engagement with the parent state. For example, the UN presence in Somaliland is a component of the wider UN mission to Somalia, and the UK Department for International Development offers security advice to the ‘regional’ government of Somaliland as a development mechanism aimed at stabilizing Somalia rather than recognition of a separate political entity (Stabilisation Unit, 2014). Although political leadership may be recognized as political actors, hesitance, or even refusal to engage with unrecognized states as separate entities characterizes much of the international interaction (Pegg and Berg, 2014). As Stefan Otter has begun to unpack in his contribution to this volume, there are a myriad of complex reasons for this. Fear of setting a precedent, a desire to maintain the status of the international order, regional security considerations, deference to regional organizations or powerful actors, and aspirations for political rebuilding in parent states are just some of the considerations surrounding non-recognition. What is important to remember, though, is that unrecognized states predominantly emerge
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out of conflict or territorial breakup, and that their lasting existence proves that they have built institutional and ideational ‘states’ in conditions in which recognized states have failed to remain intact (Caspersen and Stansfield, 2011, p. 6). They tend to be long-standing stable entities. In most instances, unrecognized states are more stable and peaceful than the states from which they emerged. They and their state-building processes are remarkably resilient; this resilience and strength stems from the space of non-recognition. Indeed, stability in these entities exists not in spite of, but because of, their existence within the realm of non-recognition.

When external actors are dictating the empowerment of institutions, processes, and individuals, this excludes society and the processes of nation-building and state formation. In the literature analysing statebuilding, particularly in the more critical literature, this is often discussed in the language of legitimacy and is identified as the ‘operational challenge’ of local ownership (Paris and Sisk, 2008). Because of the liberal assumptions underpinning the practice, in externally led statebuilding the state is being built according to plan. External legitimacy is a primary concern, but the assumption is that domestic legitimacy will follow. However, local ownership has been an elusive or distant desire, even though it is necessary for the success of these projects and is seen by many as the ultimate goal to be achieved (Donais, 2009; Paris and Sisk, 2008). This is also an area of focus because it is a question that cannot be answered simply: at what point does a state belong to the population? However, when the process of creating a state is an internal process rather than an external imposition, prospects for strong local ownership are increased. For statebuilding in unrecognized states, the space created by non-recognition allows for – indeed demands – the problem of legitimacy to be flipped (Kolstø, 2006; Kolstø and Blakkisrud, 2008).

Unrecognized states have adopted a unique form of state formation that can be viewed as survival strategies (Herbst, 2000) characterized by statebuilding through self-reliance (Caspersen, 2012, p. 53). This must be viewed in two ways. On one side is the external strategy, accommodating external structures and empirical demands in order to meet the expectations and preferences of external actors so as to best further the goals of recognition. As Caspersen (2012, p. 50) notes, however, there is no single model of unrecognized state. The condition of non-recognition ‘does not fully determine the kind of entity that is likely to evolve’, and among unrecognized states there are variations not only in levels of recognition but also in outcomes in terms of governance style, levels of democratization, levels of monopolization of force, and levels
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of development. This comparative hierarchical analysis of the empirical does nothing more than give an indication of how well the entity complies with external expectations of its target audiences, though. Stability is not entirely dependent on this, although recognition might be. What is significant here is that unrecognized states comply with the normative rules of statehood expected by their target audience. If seeking recognition from a single patron state, an unrecognized state can be expected to reflect the expectations of that state. If seeking broad international recognition of sovereign statehood, most posit themselves as ‘good’ states and exhibit ‘acceptable’ liberal statehood. The two unrecognized states chosen here both exist within what are considered failed parent states and both lack patron states. For Somaliland, the primary audience is the international community, primarily the United States and Western Europe. Kurdistan also pitches to a global audience, but this is not limited to Western countries, and it includes states with interests in oil and gas development. However, many Eastern European unrecognized states exist within non-failed states and have a very strong patron in Russia. Therefore, when considering South Ossetia, external expectations must take into account Russian expectations, whereas for Somaliland the primary target audience is the international community dominated by liberal norms. For this side of the survival strategies, non-recognition dictates that survival rests with the aspiration of recognition and meeting the demands of that.

The second side is meeting internal demands and expectations in order to maintain the domestic support and investment needed to sustain the process and the state. It is a simple equation, but one that is often overlooked: non-recognition is attached to the conditions of statehood, meaning that if the state goes away, prospects for recognition also go away. Because of the lack of external support or minimal external support, and because external expectations discount the use of violence as a mechanism of compliance, the survival of the state-building processes in unrecognized states depends on societal investment and support. Therefore, recognition strategies and state-building processes must also target the domestic audience. The survival strategy surrounding this involves the creation of an identity and a narrative – nation-building – but it also involves ensuring the population continues to support the ongoing process of socio-political change. Because of the flexibility granted by non-recognition, there is significant latitude in the exercising of sovereignty within unrecognized states, allowing for a deviation from the ‘blueprint’ model of statehood and for a responsive and reciprocal relationship between the institutions of state and society.
Within this, the state must be invested in society in order for society to remain invested in the state, fostering local ownership and creating a lasting point of stability in the state.

While there are similarities in the detailed recognition strategies employed regardless of geographic region (Caspersen, 2006; 2008; King, 2001), the outcomes noted by Caspersen vary because the identities, narratives, expectations, and demands of the entities vary, meaning the institutional components of the states reflect and respond to different conditions and demands. It is here that non-recognition grants the space for latitude and flexibility in not only creating an identity and a nation but also in creating and establishing institutions and practices that both conform to the demands of external legitimacy and work to meet the demands of domestic legitimacy. Within these entities a balance must be reached between external expectations and internal necessities. In doing so, a duality of legitimacy is created: external legitimacy as an acceptable state, and internal legitimacy that, because of state of non-recognition, is vital for sustaining the processes of statebuilding and unrecognized statehood. Balancing external legitimacy with internal legitimacy is a prerequisite for success, and the importance of popular trust and investment in the process of socio-political change that statebuilding brings is vital in creating lasting stability. In domestically led statebuilding the process must be sustained from within, but at the same time, the process and the leaders would not have the rhetorical power needed to build the state if it were not for the need to ‘comply to be recognized’; indeed, external recognition as a goal can maintain the domestic political and social cohesion needed to continue the existence of the state. External demands can, and must, come together with internal necessities as a mechanism of stability.

In many ways, unrecognized states conform to what Ghani and Lockhart (2005; 2008; Ghani et al., 2006) have identified as the ‘way of the future’ in statebuilding: states that fulfil their obligations of the right of sovereignty both externally and internally. In this, strategies are ‘inherently about “coproduction” because internal and external actors have to agree on rules, a division of labour and a sequence of activities’ (Ghani and Lockhart, 2008, p. 8). In unrecognized states, though, local considerations are not a superficial inclusion, as within these entities there is a much greater pull on the necessity of domestic legitimacy. In projects characterized by direct engagement with the international community or external international actors, it is expected that the demands or desires of those external actors will be reflected in both the state-building project itself as well as in the resulting state (Call, 2008;
Paris and Sisk, 2008; Sisk, 2013). In the space of non-recognition, though, there is something else at play. Without the exercising of external sovereignty, and with the flexibility and need to address and accommodate local concerns, demands, and political culture, statebuilding within the space on non-recognition is characterized by the state’s being propped up from within from the start. Ironically, the result more closely reflects the normative expectations of statehood than those projects led from the outside. Arguably, statebuilding in the condition of non-recognition results in a more acceptable or desirable ‘state’ than statebuilding that takes places within recognized states.

Conclusions

Of course, not everything is ideal within the realm of non-recognition, and it would be remiss to leave that impression. One key concern is within the relationship between state and society. This relationship is mutually beneficial, yet it is also a potential point of fragility in the unrecognized state. The state requires societal support and compliance with the process in order to maintain internal stability and a continuation of the state-building process, and society expects the state to return on its promises for recognition and the benefits of statehood. The criteria for an entity to be considered an unrecognized state involve a minimum period of existence as a ‘state’, yet one of the great unknowns is how long that existence can, or will, continue. This is different for every entity, yet it is a complication of the period of non-recognition. A big question remains, then: what happens if the promise of recognition is not fulfilled?

This is not the only big question left lingering. With non-recognition playing such a vital role in propelling and stabilizing the state-building process and the resultant state, what happens if recognition does come? The quest for recognition provides strong motivations for maintaining stability and ‘acceptableness,’ providing room to weather the storm and address obstacles, problems, or crises in a way that allows for a continuation of the state. Here, the space of recognition allows for political development and consolidation through an invocation of the common goal. However, if recognition is no longer a point of unification and a rallying cry, and if maintaining peace, stability, and a working political system is no longer necessary, what happens to the state?

These dichotomous questions begin to point to the complexity of the politics of recognition and non-recognition within the realm of statebuilding. Recognition is simply a legal technicality in that it does not
determine ‘statehood’. However, it does determine interaction between political entities in the international system. Those determinations carry not only significant political considerations and complications, but at the same time, and especially in the ongoing processes of statebuilding and political development, significant benefits. Ironically, some of these benefits exist solely within the space of non-recognition.

In the world of computer programming, engineers have developed areas within their systems that are known as ‘sandboxes’. The sandbox exists as an environment in which software can be tested before it is installed in live systems, allowing for variables to be tweaked and code to be rewritten without impacting on the ecosystem that surrounds it. The sandbox acts as a testing ground for future software projects; some will never see the light of day, while others will be released to become useful and sometimes vital additions to the computing environment. Sadly, no similar environment exists within politics. Changes take place in a real-time environment in which actions create reactions and the possibility of isolating events is limited. The last decade has seen a series of state-building trials that have attempted to rebuild and reorganize states. Unlike the computing ‘sandbox’, though, states cannot be cut off from their surrounding environment or the processes of politics.

However, what we have argued in this chapter is that the period of non-recognition can act as a sandbox. It provides the space and flexibility for states to develop institutions and nations, identities, and capabilities, before being surrounded by the complications and responsibilities of recognized statehood. It allows for a small degree of agency over how the state is composed and functions, and when and where the state interacts with the international community. This agency should not be overstated, but isolation does force a degree of self-reliance before external engagement is undertaken, creating a possibility of a more resilient state emerging if recognition is granted.

Notes

1. No two unrecognized states look alike, and many exhibit much higher levels of recognition than others. The premise here is not to homogenize them in our generalizations. Our discussion centers on the space of non-recognition rather than specific entities, and within this there is a base assumption for a low level of recognition. The two case studies used here, Somaliland and Kurdistan, were chosen because they both exist within weak parent states and they both lack patron states. Because of this, they exist more in the realm of non-recognition than those unrecognized states with external patron support.
2. In 1991, a de facto independent state for Iraqi Kurdistan began to take form. The state was a result of internal rebellion led by the two principal Kurdish parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), and external assistance received when UN forces intervened to establish ‘safe havens’ to protect the Kurdish people from the retaliatory actions of Baghdad. The Iraqi Kurdistan that emerged in the period between 1991 and 2003 was beset by difficulties and division. A civil war between the KDP and the PUK over land and taxes raised through smuggling resulted in a partition of the region from 1994 onward. However, despite these setbacks, by 2003 Iraqi Kurdistan enjoyed greater economic prosperity and political freedoms than the rest of Iraq and had become a model for the future of the country after Saddam Hussein.

References

Recognition as a Second-Order Problem in the Resolution of Self-Determination Conflicts

Georgios Kolliarakis

On 10 September 2012, after nine years of United Nations (UN) administration and four years of international supervision following the self-proclamation of independence in February 2008, Kosovo celebrated in Pristina the beginning of its full and unconditional sovereign career as a state. Yet, and in contradiction to public assertions of sovereignty, more than half of the 193 UN member states refused, as of October 2012, to grant recognition to Kosovo. At the same time, the European Union Rule of Law Mission (EULEX) in Kosovo, the biggest and most expensive European Union (EU) support mission to date, the United Nations Interim Administration Mission (UNMIK), the Organization for Security and Co-operation in Europe (OSCE) and Kosovo Force (KFOR), and the North Atlantic Treaty Organization (NATO) peacekeeping mission were still on the ground. The fragile Kosovar institutions together with the separatist insurgency in the Serbian-dominated North, made security and stability in the region, the original objectives behind promoting Kosovo’s independence, appear to be wishful thinking.

What a beautiful belt you’ve got on!’ Alice suddenly remarked. ‘At least,’ she corrected herself on second thoughts, ‘a beautiful cravat, I should have said – no, a belt, I mean – I beg your pardon!’ she added in dismay, for Humpty Dumpty looked thoroughly offended, and she began to wish she hadn’t chosen that subject. ‘If only I knew,’ she thought to herself, ‘which was neck and which was waist!’

— Lewis Carroll, Through the Looking Glass and What Alice Found There (1072)
Some days later, on 22 September 2012, in the southeastern Mediterranean, Special Adviser of the UN Secretary-General for Cyprus, Alexander Downer, stated in Nicosia that peace talks between the Republic of Cyprus (RoC) and the Turkish Cypriot Leadership would resume again only after the RoC presidential elections had taken place in 2013. Following the freezing of talks upon the Greek Cypriots’ rejection of the UN-mediated settlement proposal in a 2004 referendum, the process began again in 2008, and it has been dragging on ever since with no breakthrough in sight. Waves of peace talks have been going on in Cyprus since the outbreak of intercommunal violence in 1963 and the de facto partition of the island in 1974, involving seven consecutive UN Secretaries-General; all of them have failed to deliver agreement on settlement of the conflict.

Nevertheless, both conflicts came during the past decade very close to reaching negotiated settlement as a result of intensive mediation efforts led by the UN. During the negotiations mediated from 1999 to 2004 by UN Secretary-General Kofi Annan between the two Cypriot conflict parties, and the negotiations mediated from 2006 to 2007 by UN Special Envoy Martti Ahtisaari between the Kosovar Provisional Self-Government and the Republic of Serbia, settlement of the conflicts appeared more probable than ever. Viewed from the outside, the current state-of-the-art both in Cyprus and in Kosovo, gives the picture of prolonged conflicts under control. Assessed from a technical perspective on the conflict, however, a permanent, sustainable settlement seems hardly attainable in the foreseeable future, until the options at the negotiation table become more attractive than the alternatives outside. If the ‘proof of the pudding is in its eating’, then recognition of the disputed political entities, the Turkish Republic of Northern Cyprus (TRNC), and of Kosovo respectively, should be a reliable indicator for conflict resolution. Currently there seem to be more than 16 UN and non-UN members with limited, pending or disputed international recognition.

The overarching problem addressed in this chapter is how to cope with protracted self-determination conflicts. More specifically, to what extent are acts of recognition appropriate, when they misfire, and when they backfire? I consequently zoom out from the context and the specific content of the conflict, and zoom instead into how the actors involved in the resolution process made sense and use of the international norms and principles in order to reach (and finally miss) a settlement. In other words, I direct my attention toward the interplay between territorial integrity and the claims of self-determination, and its contingencies or inconsistencies during peace talks. I treat thereby self-determination
in the Kosovo and Cyprus resolution processes as a ‘wicked’ problem trapped within the existent normative ambiguity.

Self-determination conflicts, such as those of Cyprus and of Kosovo, belong to most protracted and most damaging types of civil warfare. Hewitt, Wilkenfeld, and Gurr in their 2012 ‘Peace and Conflict Report’ identify more than 70 such conflicts in the post–World War II period, most of them never having reached a final agreement on settlement, or relapsing into violence even after formal settlement (Downes, 2004; Hewitt et al., 2012). By the beginning of the new millennium they had produced nearly 40 million internationally and internally displaced persons, caused military expenditures amounting to over $800 billion, and boosted civilian casualties at armed confrontations to almost 80 per cent of the total casualties (Coleman, 2003).

Ethnoterritorial self-determination conflicts pose a particular challenge for resolution since the cleavage between the disputants is entrenched, and often steered by motives far from rational (Burton, 1996). At the same time, the international environment, powerful actors in the neighbourhood or far away, with stakes in the conflict, may tip the balance toward rapprochement, or toward deadlock and stalemate.

The majority of contemporary attempts to evaluate conflict resolution efforts turn to the outcomes of the peace negotiations and the reasons for the durability, or not, of cease-fires and peacekeeping agreements (e.g. Berdal and Wennmann, 2010; Collier et al., 2003; Downes, 2004). Insufficient attention has drawn the fact that post-conflict governance mechanisms, such as the separation of communities during the militarized peacekeeping stage, may have non-intended negative effects or even undermine subsequent peace-building efforts (Beardsley, 2011; Greig and Diehl, 2005; Nieminen, 2006). Such approaches, insightful as they may be, assess success or failure on the basis of the tangible outcome, but rarely considering the middle-term impact of the ‘solution’ itself. To do so, one should direct the analytical attention toward the meta-level of the rules of the international conflict resolution regime, which shape understandings of the role of ‘recognition’ in conflict resolution.

Success as well as failure of resolution efforts depends upon many factors – some of them contingent upon the specific circumstances and some of them structurally pre-determined, as the tension between the principle of territorial integrity and the norm of self-determination. This normative ambiguity creates a practical puzzle about how ethnoterritorial conflicts are being approached. In other words, a second-order conflict about handling the actual conflict emerges, which, as the argument of this chapter goes, is intertwined with the first-order conflict among the two disputants. There is more to it: the choice
of resolution formula – be it partition and independence or devolution and autonomy – has besides a strategic function a signalling one. Recognition of a secessionist political entity as a sovereign state may reduce levels of violence and solve an administrative problem in the short term, but paradoxically enough, it generates a new one in the middle and long term. It stretches interpretations of legality and strains perceptions of legitimacy, providing incentives and rewards for a proliferation of separatist claims. This chapter offers glimpse at this ‘dark side’ of recognition in international politics.

As long as ‘legality’ and ‘legitimacy’ are not coextensive, the definition of the problem of self-determination will be contested, and the advanced settlement compromises, based upon either recognition of independence, or granting autonomy, are bound to remain ambivalent ‘clumsy’ solutions. Even if the outcome of formal recognition remedies the problem in the short term, its impact generates in the middle term a new one. While negotiators ought, on the one hand, to abide by the established rules of the game and act in concordance to norms and practices of International Law, they must, at the same time, change the game in an effort to generate a zone of potential agreement between the conflict parties. The resolution processes in Cyprus and in Kosovo exposed how tricky it is to strike a path between irreconcilable interpretations of legal conformity and divergent claims to legitimacy.

In the remainder of the chapter, I proceed as follows: in the next section I introduce the problem of self-determination conflicts and the two principal remedy models, those of partition (for sovereign independence), and of power devolution (for autonomy). I subsequently present a brief state of play for two of the prominent examples for ‘hot’ (Kosovo) and ‘frozen’ (Cyprus) protracted ethnoterritorial conflicts in Europe, in the aftermath of the intensive failed efforts to find an agreed solution in the 2000s. In the last part of the chapter I treat self-determination conflicts as a ‘wicked problem’, and I conclude with a note on recognition as a ‘clumsy’ solution to conflict.

Conflicts of self-determination between legality and legitimacy

Recent headlines about the political and administrative deadlock between Flanders and Wallonia in Belgium, or the demand for power devolution to Scotland in the United Kingdom, to be decided in a referendum by 2014, demonstrate that one needs not go to conflict-ravaged regions to find examples of self-determination conflicts. The
range of duration and intensity in self-determination conflicts is vast, reaching from some weeks of fight, like in the case of Slovenia in 1991, and mounting up to three decades of destructive civil war, as experienced between Ethiopia and Eritrea since 1974. Cases from a long list include Basques and Catalans in Spain; Quebec in Canada; Corsica in France; the Kurds in the territories of Turkey, Iraq, and Iran; the region of Nagorno Karabakh between Azerbaijan and Armenia; Kashmir between Pakistan and India; Chechnya in Russia; Chiapas in Mexico; Timor-Leste in Indonesia; the occupied Palestinian territories in Israel; and Taiwan and Tibet in China.

Weller and Wolff discern a number of types of ethnoterritorial conflicts with self-determination claims (2005, p. 6): Irredentist and Secessionist (e.g. kin-state vs. host state and minority vs. host state, like in the case of Nagorno-Karabakh); Irredentist and Non-secessionist (e.g. Cyprus); Non-irredentist and Secessionist (minority vs. host state, like in the case of Albanians in Kosovo); and non-irredentist, non-secessionist (e.g. Germans in South Tyrol). While the boundaries between those types are not rigid, one can say that self-determination as a claim aims at regulating minority-majority relations along the dimensions of separate administrative and territorial (re-)organization.

Weller (2005), in his critical appraisal of self-determination as a political ‘trap’, maintains that most of the over 70 conflicts in the period after 1945 have been sustained rather than resolved by the doctrine of self-determination. Codified under Chapter 1, Art. 1, and under Chapter 9, Art. 55 of the United Nations Charter, self-determination in Weller’s words ‘disenfranchises populations’ in the course of struggling to establish a new modus vivendi within a polity (2005, p. 5). This points to the main issue discussed in this chapter, namely, self-determination turning from a potential solution into a problem of prioritizing either populations in the resolution formula, which perpetuates and potentially aggravates the initial conflict.

A crucial element of self-determination conflicts, which leads to often insurmountable complications for their resolution, is the convergence of two contentious dimensions: ethnicity and territory. While not all self-determination conflicts must be ethnic in their nature, most of them arise within communities that start to separate from one another by ‘ethnic’ criteria, be they language, religion, or culture, and not vice versa. While the functional reason of conflict may often relate to balanced distribution of power, equal representation in institutions, or fair allocation of material resources within a polity, the visible symptom of the growing cleavage is separation and discrimination along ethnic, religious, or linguistic ascriptions. Having different backgrounds, the
conflicts in Cyprus and in Kosovo originated in dysfunctional power-sharing arrangements in the early 1960s and the late 1980s respectively, which ‘activated’ the ethnic component of community discrimination and escalated physical violence.

In the words of Wolff and Weller, self-determination conflicts are characterized by the simultaneous ‘politicization of ethnicity and territory’ (2005, p. 4). This accounts for the terminological choice in the present chapter: against widespread terms such as ‘identity’, ‘ethnic’, ‘ethnopolitical’, and ‘ethnonationalist’ conflict, I have opted for the descriptive term *ethnoterritorial*. ‘Ethnoterritorial’ as an attribute of the two conflicts under study, Cyprus and Kosovo, brings to the fore the two salient parameters that best describe the justification patterns used by the conflict parties themselves in initiating, escalating, or settling the conflict. The term, of course, does not merely describe the character of the conflict. It moreover implicitly contains the range of solutions available, or acceptable, to the parties. The particular twist thereby is that, in more technical terms, the principally non-divisible trait of ethnicity, which is almost always perceived in an essentialist manner as a binary variable by the conflict parties, is projected onto a conflict object, a territory, which as a material resource is principally divisible.

Yet, the connection between the two in the frames and narratives about the conflict transforms it into a deadlocked zero-sum game. This intertwining accounts most of the time for ‘intractability’, by raising incompatible recognition claims about the ethnic or religious jurisdiction over territory. Counterintuitively, the problem with protracted conflicts is not that there is no solution in sight: according to Zartman (2005, p. 53), the problem is rather that there are two polarized solutions. These solutions are becoming totalized and mutually exclusive, tending to satisfy to the maximum the own needs while punishing the other party. The two remedy models for self-determination conflicts presented above, that is, autonomous status within a sovereign state versus partition and independence, are exemplary for this phenomenon. Meeting at a compromising middle ground becomes therefore for conflict- and third intervening parties unattainable. Instead, the resolution process may contribute to the hardening of front lines and the deepening of the cleavage between the parties, dubbed in this book as the ‘dark side’ of recognition claims.

In practice, the politics of recognition are pursued over two lines: first, via *secessionist* efforts, which have as a goal independence and recognition as a sovereign state, or, second, via demands for complete administrative self-governance as *autonomy* for a political entity within a given state.
Partition
The debate on secession as a therapy to violent self-determination conflicts was reinvigorated in the middle of the 1990s. Chaim Kaufmann’s provocative positions on partition and ‘controlled transfer’ of populations within the multiethnic states of the end of the twentieth century recall the post-World War I Wilsonian state-building model of the ‘unmixing of peoples’. Kaufmann’s argument is straightforward and pragmatist in that it suggests partition as a last resort, after all efforts to lower civilian violence levels in the conflict remain unfruitful (1996; 1998). International lawyers, such as Kelly (1999), have pointed since the end of the 1990s to a trend toward ‘political downsizing’, which generates ethnically quasi-homogenous Lilliputian states. A main consequence of partition as a solution to self-determination is that, in the liberal tradition, the international community restores peace and promotes new functioning democratic states in areas of ethnic conflict (Bloom and Licklider, 2004).

Williams and Scharf (2003) explore the model of a supervised, or earned sovereignty as the gradual ‘growing-up’ of the political entity into a proper state, which has provided ever since the blueprint for post-conflict settlements, as in the case of post-1999 Kosovo. Proposed in the Ahtisaari settlement, this model was put unilaterally into practice in 2008 with the ongoing support of international organizations such as the EU, NATO, and the OSCE. While the creation of new states via partition prioritizes the importance of populations in conflict settings, it automatically raises the question about the practical prospects of viability, and the moral grounds of the desirability of the proliferation of sovereign entities (Sambanis, 2000).

The redrawing of borders, as happened in the case of Kosovo in a non-consensual manner, is nevertheless still the less common solution. Hewitt, Wilkenfeld, and Gurr, in their 2012 Peace and Conflict report, show that statistically the most common outcome of self-determination conflicts is power devolution to the minority insurgent group in the form of an autonomy settlement (2012, p. 14).

Autonomy
When integrity of the state and the intactness of international borders are prioritized before the rights of populations for self-determination, as in numerous UN Security Council (UNSC) resolutions concerning the statehood of the self-proclaimed Turkish Republic of Northern Cyprus, or the UNSC Resolution 1244 on Serbia and Kosovo, then autonomy within established national borders is the dominant option at play. In the aftermath of the colonial wars of independence of the 1950s and
the 1960s, autonomy was held to be the first step toward secession and independence. During the Yugoslav experience of the 1990s, this trend started to shift; autonomy was re-discovered as a potential tool in accommodating self-determination claims without endangering the territorial integrity of the existing state (Wolff and Weller, 2005, p. 2). The OSCE Lund Recommendations on the Effective Participation of National Minorities in Public Life in September 1999 proposed a comprehensive tool of good governance. The Lund Recommendations comprise provisions for participation in decision-making at the regional and the local level at elections; they propose arrangements for territorial and administrative self-governance; and describe a set of constitutional and legal guarantees. In the UN context, the Liechtenstein Initiative on Self-determination through Self-administration decisively put forward autonomy as an alternative to secession and partition.

With the proliferation of self-determination conflicts after the end of the Cold War, more and more states are willing to consider autonomy as a remedy, particularly where a self-determination conflict has not yet reached high levels of violence. This is expected to prevent violent escalation or unilateral proclamations of independence by the non-state actor (Wolf and Weller, 2005, p. 3). Such efforts to manage ethnoterritorial conflicts have been recently elaborated by scholars, such as Weller and Nobbs (2010), who proposed conditions for ‘asymmetric autonomy’ designs. In conflict practice, such endeavours have shown nevertheless a less-than-satisfactory track record so far. Indeed, both proposals to settle the conflicts in Cyprus and in Kosovo, tabled by UN Secretary-General Annan in 2004 and UN Special Envoy Ahtisaari in 2007 respectively, were complex exercises in constitutional and institutional power-sharing design, targeting key policy areas such as the security sector and police, the judicial system, education, the protection of cultural and minority rights, the return of internationally/internally displaced persons, territorial arrangements, freedom of movement, property rights, compensations and reparations, and reconciliation. These areas reflect by and large the contentious issues in ethnoterritorial conflicts, which often account for the intractability of the conflict.

Declaratory and constitutive models of recognition

There is no automatism or even a uniform procedure, historically or geographically seen, for granting autonomy to or recognizing the sovereignty of political entities. International practice varies enormously and is not coherent or consistent enough to theorize on procedures and outcomes, or to make prognoses on the resolution of self-determination conflicts. Roughly speaking there are two ‘traditions of practice’
that define the field of action: the *declaratory* model and the *constitutive* model of recognition (Menon, 1989).

According to the declaratory model, a political entity is a state when it factually fulfils a number of functional criteria. The four Montevideo criteria for statehood, set at the international convention held in 1933 at the capital of Uruguay, established the legal standards for recognition: they comprise a permanent population, occupy a clearly defined territory, are operated as a whole by an effective government, and have the capacity to engage in international relations and fulfil respective obligations (Grant, 1999). These should provide a comprehensive checklist for evaluation of recognition claims, and have been replicated in one wording or another in international law provisions. For example, they are found explicitly in the Opinions forwarded by the Badinter Arbitration Committee 1991–1993 concerning legal issues arising from the fragmentation of Yugoslavia. In the declaratory model, widespread in the twentieth-century state practice, recognition is independent of other states’ views and legal actions.

On the other pole of the spectrum, the constitutive model has arisen as practice since the Congress of Vienna in 1815, when a small influential state circle granted diplomatic recognition only to 39 political entities in Europe in order that they be treated as sovereign states. State sovereignty is in this respect construed out of an act within a ‘community of peers’. A political entity, irrespective of whether it objectively fulfils a list of criteria for statehood or not, is not sovereign before the legal act of its recognition as such by already established sovereign entities.

However, in reality, both models manifest similar implications associated with the rights and duties of existing unrecognized and recognized entities. Political practice reveals the messy picture of the simultaneous co-existence of unrecognized but functioning de facto states beside practically dysfunctional de jure recognized ones. Separatist regimes with de facto state power, such as the Turkish Republic of Northern Cyprus (TRNC), despite heavy dependence on Turkey, remain unrecognized on the grounds of an illegal act of foundation, while entities that factually do not fulfil the above criteria, such as Kosovo, are pushed into formal sovereignty by powerful sponsors.

**The unfinished recognition games in the cases of Cyprus and Kosovo**

Notwithstanding the fact that it is a small island in the Eastern Mediterranean, Cyprus has acquired over the past century a notorious reputation for being a prototype for intractable conflicts. Six successive
UN Secretaries-General and many more prominent Special Envoys and Advisers have been involved in unfortunate peace-making activities since the 1960s, which at the end of the day yielded less than enough for arriving at a settlement between the two communities on the island (Ker-Lindsay, 2005). Since March 1964, a UN peacekeeping force, United Nations Peacekeeping Force in Cyprus (UNFICYP), has been stationed on the island on the grounds of UN Security Council Resolution 186 from 1964. In the course of time and in the absence of settlement of the conflict, the UNFICYP mandate has been extended every six months, although the rationale behind its presence has changed. Entering its 50th year, this mission is one of the saddest anniversaries for UN peacekeeping worldwide. The Greek and the Turkish Cypriot conflict parties seem to remain locked in adversarial frames, mutually politically misrecognizing each other (Georgiades, 2007). While the TRNC is recognized only by Turkey, the latter, symmetrically, denies recognition to the Republic of Cyprus. After the major effort by UN Secretary-General Annan failed in 2004, the two conflict parties resumed negotiations again in 2008 with the UN in a much weaker, facilitative role, and they are about to repeat the effort before the end of 2014. Current UN Secretary-General Ban has repeatedly expressed concern that progress has been too slow so far. The EU has been pressing for legitimizing and allowing formal exchange via TRNC airports and ports, despite the fact that TRNC is not a state entity. Yet, given the limited interest of the international community in clarifying once and for all the status of the TRNC – which has been ever since a Turkish quasi-protectorate – the prospects for resolution are not exactly grim, but definitely offer not much cause for optimism in the foreseeable future.

The conflict over Kosovo, which has lasted since the end of the 1980s, has mobilized a broad range of diplomatic and non-diplomatic instruments for crisis management, from military interventions and peacekeeping missions, involvement of the bodies of international organizations such as the OSCE and the EU with facilitative good offices and mediation, and shuttle diplomacy and direct negotiations, to top-level conference diplomacy, as analysed in several studies so far (Friedl, 2009; Ker-Lindsay, 2009; Weller, 2008). Kosovo belonged at the beginning of the mediation efforts to the category of unstable abeyant conflicts, that is, open physical violence was suspended or kept ‘frozen’ as a result of international peacekeeping missions (UNMIK in Kosovo since June 1999, with its mandate practically transferred to EULEX since December 2008). Since September 2012, Kosovo has been officially left to its own devices, and, despite being recognized by 108 out of 193 UN-member states and Taiwan, and heavily dependent upon EU subsistence, it is a
member of the International Monetary Fund and the World Bank (as of August, 2014). Five EU member states as well as the Republic of Serbia withhold formal recognition, yet following the Brussels Agreement from April 2013, Kosovo has been offered a Stabilisation and Association Agreement, while Pristina and Belgrade should move toward normalization of their relationship. Top US and EU officials maintain that the handling of Kosovo has been a sui generis case, yet it is not improbable that third sovereign states and unrecognized political entities will be tempted to justify secessionist and independence claims along similar lines in the future. Some analysts have even talked of the ‘Kosovo Syndrome’ (Berg, 2009), or the ‘Kosovo-effect’ (Fawn, 2008). Ironically enough, partition trends of the Kosovo Serbs in the North resemble, in micrography, the factual partition claims of Kosovo from Serbia.

**Self-determination as a wicked problem**

Williams and Scharf (2003), referring to the practices of states in self-determination conflicts, maintain that independence and autonomy have been most of the time a recipe for political gridlock and violence. Strangely enough, proponents of either the one or the other model agree that they should be viewed as successive phases in the trial-and-error course of the resolution process: if power devolution and sharing designs fail, then one should proceed to the more radical option of partition in order to stabilize the settlement of the conflict. The hidden strategic paradox underlying such considerations is that the ‘carrot’ of independence, luring at the end of the tunnel, will almost certainly undermine in advance the attractiveness of autonomy, as the case of Kosovo has exemplarily demonstrated.

This arising dilemma serves as an illustration of what a **wicked problem** is: wicked problem is one the definition of which is not unequivocal and, counterintuitively, depends upon the availability of solutions (Verweij et al., 2006). Self-determination claims may get stuck between the possible outcomes of autonomy and independence, as the peace talks in Cyprus and in Kosovo have demonstrated, and this could have a perpetuating impact on the conflict. The process of searching for a solution may in the process become itself part of the problem. Indeed the available solutions and their variants are clustered in the above two cases around two mutually exclusive poles: the one of asymmetric autonomy (via power devolution and political sharing designs) and the one of sovereign independence (via territorial partition). It is not easily identifiable whether the problem lies with the improper application of
rules and principles, or, vice versa, with the improper design of the rules and principles themselves. Fearon delivers a concise description of this complication:

There is no obvious or clean answer, however, because the problem is foundational. It arises from the internal logic of a nation-system, which justifies its organization by treating already recognized nations as given even as it creates incentives for new or unsatisfied nations to challenge the existent organization. [...] At least at present, the best solutions are second best, and the first-best unclear. (2004, p. 415)

Efforts toward an autonomy formula will be undermined during the conflict resolution process as long as the bigger ‘carrot’ of sovereign independence lures at the end of the tunnel, bearing a better payoff in the context of the current international system. Vice versa, granting recognition of independence may have a beneficial outcome in the short term, but it may have an exacerbating impact in the middle term, by providing the incentives to unrecognized political entities to imitate the precedent. States tend to be wary of the ‘domino effects’ of recognition, in other words, the signaling dynamics of granting formal certification to non-state actors (Horowitz, 1985; Berg, 2009). Williams and Scharf note in this respect that

[Given that the international community of nations is structured around the principle of sovereignty, any effort to dilute the principle or to expand the notion of self-determination to more readily facilitate the secessionist ambitions of numerous minority or ethnic groups will have serious consequences. The fear that too loose a re-definition of sovereignty might lead to a spiralling of self-determination claims and calls for independence is genuine. So is the fear that the global community will become populated with unstable mini-states which breed yet more conflict ridden mini-states. (2003, pp. 349–50)]

Frank Jacobs and Parag Khanna (2012) remark that we seem to be experiencing a nation-state baby boom again. That observation forces one to make the qualitative difference between the outcome of a resolution process and the precedence it potentially sets as a middle- or long-term impact on norms that govern international politics in general. This should be borne in mind not only when studying conflict, but, much more, when handling conflict in practice. The tension between the first-order, concrete conflict case, and the second-order, meta-conflict about the
rules and norms that should apply at managing conflict, yields important insights into policies that have non-intended and non-anticipated consequences besides the anticipated, desired ones. This has been the case with the irreconcilable conflict between Belgrade and Pristina over recognition of Kosovo’s sovereignty, reflected and exacerbated in the year-long UNSC deadlocked controversy over which principle, territorial integrity, or self-determination should apply. As long as a second-order conflict exists, first-order conflicts are bound to arise. Vice versa, even if a first-order conflict finds a certain solution in the short term, such as recognition of sovereignty, this may exacerbate the second-order conflict in the middle term, by favouring the proliferation of recognition claims.

As already analysed in respect to ‘recognition games’, there is a true political dilemma behind applying a strategy for resolving a concrete conflict, and giving a signal to potential future ones that could arise out of its precedence set. Thus, diplomatic interventions with the purpose of conflict resolution necessarily unfold a reflexive dimension: the envisioned solution may interfere with the problem and, with time, become a part of it in the form of unintended side effects, as social theorist Robert K. Merton had already in the 1930s argued concerning purposeful social action (1936). In this respect, concrete problem solving from case to case is nevertheless associated, even invisibly, with the handling of the meta-conflict. Recognition of a secessionist political entity as a sovereign state may reduce levels of violence and solve an administrative problem in the short term, but, paradoxically, generate new ones in the middle term by non-intentionally signalizing incentives and rewards to other political actors. In turn, this is bound to reshape the political geography of international relations, as already discussed above.

Serious practical concerns exist about the economic viability and sustainability of such mini quasi-states such as the Republic of Kosovo, Nagorno-Karabakh, South Ossetia, and Transnistria, along with many newcomers, outside strong alliances or protectorate relations, even if they should gain de jure sovereign status (Kolstø, 2006). Such questions deserve both theoretical reflection and practical attention when policies in the field of Conflict Resolution are designed and implemented. The generic impact of international Conflict Resolution processes on changing the rules of the game is likely to last longer than their specific outcome.

**Recognition as a clumsy solution**

The UN-led mediation processes for an end-status settlement in Cyprus and Kosovo failed to balance the competing principles of territorial
Recognition as a Second-Order Problem

integrity and self-determination of peoples. Retrospectively one could say that, among other factors, the failure to manage the normative level of the conflict, described above as a wicked problem, triggered the derailment of the settlement formula on the level of diplomacy practice. The prospect of a hybrid confederation in Cyprus or the establishment of ‘supervised independence’ for Kosovo have been in this respect clumsy solutions. Despite satisfying the one or the other conflict party or external powerful stakeholder, those formulas did little to consensually resolve the actual issues on the ground. Recognition of the conflict parties as constituent states in a federal formation, as autonomous entities under a state, or as sovereign independent states themselves has been a dilemma explicitly faced by the high-ranking mediators in their drafting of the settlement proposals. The two processes exposed how tricky it is to strike a path between irreconcilable interpretations of legal conformity and divergent claims to legitimacy. During the resolution processes analysed above, experienced and skilled mediators attempted to square the circle. They had to abide by the established legal rules of the game, acting in concordance with norms and practices of international law, while at the same time creatively accounting for the interests of powerful actors with stakes in the conflict and the claims of the conflict parties themselves.

In this respect, recognition claims over the final status are situated at more than one level. The very acceptance of the non-state entities of Northern Cyprus, and Kosovo as interlocutors at the negotiation table, and their participation in UN or EU meetings was a first challenge when managing the mediation process. In their self-description, the Turkish Republic of Northern Cyprus had to be referred to in a neutral, ‘politically correct’ manner as the Turkish Cypriot Leadership (TCL) and not as the TRNC, which is the name of a non-recognized entity. Similarly, the delegates from the Republic of Kosovo had to be dubbed as ‘Pristina’ or the delegation of ’National Unity’ or the Provisional Institutions of Self-Government of Kosovo. While nomenclature is obviously more than diplomats’ verbal twists during negotiations, granting recognition even via designations can unfold tangible consequences in practice, unfavourable to resolution, as a growing literature on the subject reveals (Lindeman and Ringmar, 2012; Lindeman, 2010; Wolf, 2011). In one drastic example, the decade-long blockades by the RoC concerning equal treatment of the TCL during the talks were grounded in international law and in numerous UNSC Resolutions. Still, over the years, the Greek Cypriot attitude has been responsible for humiliating their counterparts, leading to the unilateral declaration of independence for the TRNC in 1983 and the consequent hardening of Turkish Cypriot
positions. That has been the case with TCL Rauf Denktash’s obstructive attitude during the UN talks, when he demanded recognition of the TRNC as a sovereign state prior to and in order for the UN talks under UN Secretary-General Annan to go on.

Competing perceptions of what is fair, together with irreconcilable interpretations of what is allowed, complicate the search for resolution formulas. Besides legal assertions, ethical and political criteria shape judgements and assessments as well. Popovski and Turner argue that

\[ \text{While legitimacy considerations would complement international legality in most circumstances, there are situations when legality could be challenged by ethical, humanitarian, or political demands of legitimacy. This is most evident in situations where strict adherence to International Law would lead to considerable harm [...].} \]

(2012, p. 439)

The recent turn of legal and Conflict Resolution scholars toward the role of legitimacy in international politics breaks free from legalistic (positivist) interpretations of law, particularly in unprecedented or contested high-stake cases. Recognition as an element of conflict resolution formulas appears in this respect as a hybrid political and legal act oscillating across illegal but legitimate, or legal but illegitimate, options. The ambiguous normative setting is shaped by the ‘wicked problem’ of the competing principle of territorial integrity and of the right to self-determination. It cannot be stressed enough that, when it comes to conflict resolution, legality and legitimacy are not always mutually reinforcing procedural mechanisms. In conflict settings this tension, reversely, provides a conflict motor and an ambivalent ‘grey zone’ for action. Resolution efforts must necessarily navigate in this grey zone which is defined by solutions perceived as illegal but legitimate, or as legal but illegitimate. In handling this tension, opportunism and ad-hocism have been the rule in foreign policy. International lawyer P. K. Menon quotes his colleague Philip Marshall Brown as saying that

\[ \text{Recogniztion has been the football of diplomats who have made it mean anything that suited their purpose. It has certainly been grossly abused as a weapon of diplomatic pressure and intervention. [...] It has in many cases proved to be an insoluble puzzle to the courts whose decisions have been sometimes conflicting and confusing.} \]

(1989, p. 162)
Indeed, the current international reality contains many different variants of territorial sovereignty, which are far less straightforward than prescribed by the 1933 Montevideo criteria for statehood. Established anomalies, such as the Republic of China (Taiwan), Hong Kong, or the Finnish Aaland islands in Sweden, exist next to less functional hybrids, such as de facto states that are not recognized, or de jure sovereign states that can barely function autonomously. In the terms used earlier in this chapter, these seem to be the clumsy solutions given to a wicked problem.

Nineteenth-century Oxford mathematical logician Charles Dodgson (known to most by his pseudonym, Lewis Carroll) would have called them the ‘Humpty Dumpties’ of international politics. Such hybrids materialize the ambivalence between legality and legitimacy, making difficult to tell which is the ‘neck’, and which is the ‘waist’ of the strange being, what confusingly appears to be its ‘tie’ instead of being its ‘belt’. Humpty Dumpty phenomena, such as those in Kosovo and North Cyprus, reflect the clumsy attempts to resolve the normative ambiguity in self-determination conflicts. Although the settlement talks on Cyprus and Kosovo showed poor imagination and eventually fell into a ‘territorial trap’, the tension between legality and legitimacy is potentially also the motor of change in international relations. Such hybrid solutions, in turn, may take the form of temporary exceptions to the rule, but they may also create precedence and permanently change the rules of the game, not merely shaping the concrete outcome of a conflict but also transforming the ‘sovereign’ code of conduct in international politics.

Against demonizing conflict, and beyond the temporary failure or success of the one or the other resolution attempt in self-determination cases, this chapter argued that there are stakes at a higher level, concerning the unintended and non-anticipated impact of such outcomes. The instrument of recognition deployed during conflict resolution processes may be responsible for sustaining, generating, exacerbating, or transforming conflicts in the middle run. This is bound to have consequences for the reconfiguration of sovereignty as a mechanism that regulates both the relations among states as well as the relationship of nations to states. Will resolution formulas toward asymmetric autonomy or rather those toward earned sovereignty and independence set an international normative trend, a sort of customary law for self-determination conflicts (Cornago, 2006)? Is an international pattern emerging or is recognition rather an ad hoc compromise? Is there a shift of the gravity away from the principle of territorial integrity toward the
principle of self-determination of peoples? Will such a shift mean regression to the post–World War I practice of one people/one land?

While International Relations as a discipline has extensively focused on competition and cooperation with regard to the positioning and ranking of states in the international system, it has lost view of the processes of their configuration, that is, how these entities entered the system in the first place and became what they are. With the exception of certain inquiries on modern state formation and transformation, qualitative change of all those diverse political formations out there remains relatively understudied. The significance of the conflict over the conflict, that is, over the implicit and explicit rules of how to handle conflict, has been accordingly underestimated. From the perspective of this chapter, the process of searching for the settlement to self-determination conflicts elucidates the ‘hot spot’ of such reconfigurations and opens up a field of research about change in international politics for joint exploration by international lawyers, International Relations theorists, Conflict Resolution scholars, and Historical Sociologists.

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Notes

1. See the statements of Kosovar and international actors on this occasion at the official website of the International Civilian Office, installed in Kosovo in the aftermath of the unilateral declaration of independence in February 2008 by the International Steering Group.
2. See the official website of the UN Good Offices Mission in Cyprus (UN Good Offices Mission, 2014).
3. The regularly updated Wikipedia website of a ‘List of states with limited recognition’ features states along following categories: (i) Non-UN member states not recognized by any state (such as the Republic of Somaliland); (ii) Non-UN member states recognized only by non-UN members (such as
Nagorno-Karabakh); (iii) Non-UN member states recognized by at least one UN member (such as Taiwan/Republic of China, Kosovo, South Ossetia, Turkish Republic of Northern Cyprus, or Palestine); and (iv) UN member states not recognized by at least one UN member (such as Israel, South Korea, Republic of Cyprus).


References


Part IV

Recognition among States and Non-State Actors
Recognition Going Awry: NGOs and the Global Rise of the Unelected

Volker M. Heins

Introduction

There is a growing consensus that the key to social and global justice is to overcome the sense of powerlessness and the lack of self-respect that prevails among impoverished, marginalized, and oppressed populations. As political theorist John Rawls puts it, self-respect is a ‘primary good’ whose production depends on the make-up of basic social and political institutions. More precisely, justice is the name of behaviours that form the ‘social bases of self-respect’ (1993, p. 319). Like Rawls’s liberal theory of justice, neo-Hegelian theories of recognition emphasize the centrality of mutual respect and esteem in the development of human relations and identities (Honneth, 1995; Ikäheimo, 2014; Ricoeur, 2005; Taylor, 1994). The core notion underpinning theories of recognition is that human autonomy and agency are not givens, but are the result of a continuous and dynamic process of mutual recognition between persons and groups. Recognition is about constituting and performing inclusion, actorness, and membership. To be recognized as a legitimate actor and a full member of society implies more than simply having legal rights. In modern societies, there is a wide range of social relations based on respect, esteem, and affection, which, taken together, constitute ‘the opposite of practices of domination or subjection’ (Honneth 2007b, p. 325; Honneth, 2014).

Recently, theories of recognition have begun to venture into the realms of International Relations and International Political Theory (Burns and Thompson, 2013; Heins, 2012; Honneth, 2012; Lebow, 2008, pp. 62–9; Lindemann and Ringmar, 2012; Wolf, 2011; see also
the other contributions to this volume). However, there are limits to the degree to which recognition theory can be internationalized. This is essentially because such theory deals only with subjects that are both recognized and recognizers, allowing a struggle for mutual recognition to take place. Thus, only human beings are relevant units of moral concern, not states, nations, cultures, principles, or similar phenomena dear to IR scholars.¹ This focus on natural as opposed to artificial persons restricts the purview of the ‘new paradigm’ (Ikäheimo, 2014, p. 11). On the other hand, recognition theorists make claims that resonate with much of the research on global cooperation and conflict. In particular it is argued that protest and opposition to domestic and international institutions cannot be explained as a consequence of deviant behaviour, political indoctrination, or economic deprivation, but is ultimately driven by persons and groups experiencing moral injuries in the form of disrespect, denigration, or undue indifference. Moreover, it is argued that experiences of humiliation do not just drive conflicts but also justify them in the eyes of witnesses and distant publics. The empirical ways in which people respond to humiliation and oppression tell us something about the underlying norms that have been infringed upon and that are worth defending. It is this genuine interest in the dynamics of real struggles, as opposed to mere argument and deliberation, which makes theories of recognition potentially interesting even for IR researchers with realist inclinations.

In this paper, I will focus on one particular group of non-state actors – transnational non-governmental organizations (NGOs) – and explore how recognition theory may help us better understand them. NGOs are of relevance not only to scholars interested in the role played by citizens and activists in the construction of global governance and new forms of diplomacy (Alger, 2007; Cooper, 2013; Ruggie, 2014; Willetts, 2011) but also to researchers studying the impact of real or fabricated collective feelings of humiliation in international relations. Unlike states, non-governmental advocacy organizations can plausibly claim to be fighting for the recognition of the rights and needs of all human beings, regardless of their national belonging. For this reason, these groups are natural candidates for an analysis in terms of recognition theory. In fact, there appears to be broad convergence between the intentions of NGOs and the ‘project of moralizing world politics’ (Honneth, 2007a, p. 198) championed by recognition theorists.

The remainder of this paper outlines the connections between NGOs, patterns of global cooperation, and different practices of (mis)recognition in international politics. The first section offers a new definition
of NGOs in relation to global demands for recognition. The second section discusses the role of NGOs in facilitating global cooperation on international harm conventions aimed at dissuading states and other actors from using their enormous destructive power against humans or other sentient beings. In the third section, I distinguish different sorts of recognition and ask how these shape patterns of cooperation and how practices of recognition can turn out to be ambivalent, pointless, or even pernicious. The fourth section provides a brief overview of the ways in which transnational NGOs can themselves become agents of ‘bad’ recognition. I conclude that far from simply being lauded as harbingers of a transnational democratic order, NGOs should be seen as the human face of the ‘global rise of the unelected’ (Vibert, 2007), with deeply paradoxical implications for the future of transnational governance.

Third-party interveners

Much has been made of the fact that NGOs are voluntary civil associations independent of state power. Both descriptions are valid, if applied correctly. NGOs such as Doctors Without Borders (Médecins Sans Frontières – MSF), Human Rights Watch, or Oxfam are certainly independent in the sense that they are not competing for a share of governmental power and do not have a governmental mandate either for their existence or for their activities. There is also no doubt that they depend to a large extent on the voluntary commitment of supporters and donors who are willing to spend time and money on a particular moral cause. The only reason transnational NGOs are able to play an increasingly prominent role in global governance is because there is a deeply rooted culture of giving throughout the world. Such groups are both receivers and givers of gifts, initiators of, and elements in, worldwide chains of aid.²

However, NGOs are also involved in global social struggles – which I accept are ultimately rooted in the experiences of groups that are not only materially disadvantaged but also feel that they have been treated with contempt or indifference. These feelings run deep and are largely impervious to argument. Many kinds of social suffering have normative meaning in the sense that they result from the violation of well-founded moral expectations or principles. Acting as ethical witnesses, NGOs transform these violated principles into ‘issues’, around which they attempt to mobilize distant, sometimes global, publics. They are key agents in the global amplification of feelings of humiliation and disrespect.
More precisely, they are third-party interveners in global struggles for recognition. Their personnel is typically recruited not by or from amongst local victims of injustice but by and from amongst distant sympathizers who speak and act on behalf of, but without authorization from, others. NGOs are rallying round an ever-expanding range of issues, calling on spectators to take sides and bear moral witness. However, when they and their supporters pledge their backing, they do so without ‘becoming one’ with the victim groups they are supposedly protecting and defending. Indeed, NGO activists often know very little about the groups concerned or their culture – only that they are oppressed or disenfranchised. They do not join them in the way foreigners signed up to fight in the Spanish Civil War, or in the way the sons and daughters of the European bourgeoisie became committed communists after the October Revolution in Russia. Nor do they represent their beneficiaries. Representation would entail an authorization procedure that would make it possible to ascribe the activities of NGOs to those on whose behalf they were acting. The representational activities of NGOs are symbolic, not political: what such organizations claim to do is fight for global change for victims symbolically depicted as innocent, oppressed, neglected, dispossessed, excluded, disenfranchised, or forgotten. Instead of a genuinely representational relationship, what we see is a tension between imagined closeness and physical separation. I suspect that this fundamental disconnect between transnational NGOs and the victims of injustice whom they claim to defend harbours a considerable potential for unintentional disrespect.

Before I explore this further, I should like to make three observations that may serve as corollaries to my definition of NGOs as voluntary civil associations, ethical witnesses, third-party interveners, and institutional expressions of cultures of giving.

Firstly, NGOs cannot be seen merely as conventional interest groups or as ‘self-sacrificing knights in shining armour’ (Bloodgood, 2011, p. 94). Rather, they combine the pursuit of moral causes with a constant jockeying for funding and turf. What makes them different from interest groups is the nature of their core constituency. This is drawn from amongst a strongly value-oriented pool of ‘true believers’ and ‘public-spirited zealots’ who want to work in a non-commercial environment and whose own well-being depends on their being able to contribute to the well-being of others (Feinberg, 1984, pp. 73, 76; Frantz, 2005, ch. 4; Heins, 2008; Hopgood, 2006, ch. 2; Mitchell and Schmitz, 2014). NGOs are other-regarding agents insofar as their members typically defend the interests of groups to which they do not belong. The ‘others’ in question
are (a) people in need living in *geographically distant* regions; (b) *temporally distant* strangers such as members of future generations or individuals who have died as victims of forgotten or underreported crimes by the state; and (c) *non-human* species and their habitats. NGOs do not follow in the footsteps of self-liberation movements; rather, they emulate the abolitionists who fought against the transatlantic slave trade and against bonded labour in the American South – and whose success depended on white non-slaves publicly empathizing with the black enslaved. In a similar way, today’s transnational NGOs call on the well-off to help the poor, on citizens to support refugees, on adults to act for children, on humans to protect animals, and on the generations of today to have regard for those of tomorrow. Tocqueville’s general remarks about ‘private associations’ in many cases apply to transnational NGOs: they ‘renew the opinions’ and ‘enlarge the hearts’ of citizens (2003, p. 599).

Secondly, transnational NGOs should be seen as institutional expressions of a broader shift – away from a politics based on the pursuit of national, imperial, or class interests and towards one that is less self-centred and more ethical. There is a trend – not only among NGOs but also among powerful states and transnational organizations – to counter narrowly conceived national objectives by invoking universal human rights, human security, and the welfare of populations around the globe. This rhetoric is not purely ideological, but it should not be taken at face value either. The disorientation has arisen because interests today are more diffuse, contested, and interwoven than in earlier phases of the development of national and international societies, when states, and groups within states, faced one monolithic enemy, as they saw it, rather than a panoply of threats ranging from homegrown terrorism to environmental disaster. It is not that ethics have triumphed over interest. More accurately, strong, absorbing, and clearly legitimate interests have been weakened by the advent of new constellations of power and powerlessness. One unfortunate consequence of this has been a rise in the number of international interventions and foreign policy adventures marked by a dearth of strategic clarity, inter-ally dependability, and long-term commitment. Examples here are the humanitarian interventions of the 1990s, the alleged war for women’s rights in Afghanistan, the so-called liberation of Iraq, and other such wild goose chases.

Thirdly, NGOs are highly engaging facilitators of global cooperation. Compared to individuals, states have more options for avoiding or withdrawing from cooperation with other states (Heins, 2014; Wendt, 1999, p. 223). However, even when they do cooperate, they are ill-equipped to reach out to non-state actors in international society. By contrast,
NGOs are able to cooperate with a broad range of actors, from individual celebrities to other local and global NGOs, and to businesses, military forces, and government officials from different national and geographical backgrounds. They are multifunctional and ‘multilingual’, adept at switching codes and interacting simultaneously with a number of different environments. Examples here are the huge coalitions associated with the International Criminal Court (ICC) and the Anti-Personnel Mine Ban Convention. This distinctive feature of easy facilitation can be expressed in terms of recognition theory. Following Heikki Ikäheimo (2014, pp. 17–18), I suggest two distinctions that are of relevance here: horizontal versus vertical and purely intersubjective versus institutionally mediated. Horizontal recognition is recognition between like-minded groups of persons; vertical recognition is recognition between groups and powerful institutions or authorities. Purely intersubjective recognition operates in cases in which persons connect on the basis of sympathy and shared ideas, whereas institutionally mediated recognition operates between actors who relate to each other as holders of institutional roles. Because they combine these different kinds of intellectual, affective, legal, and strategic relationships, NGOs are key components in changing global economies of recognition.

Drawing on the conceptual distinction between different sorts of recognition, I would like to highlight three major types of recognition-seeking behaviour typical of transnational NGOs. (1) Many NGOs and campaigns only come into being as a result of purely intersubjective encounters between individuals who discover that they share an impulse to act against a particular perceived injustice. (2) Once established, NGOs strive to get ‘horizontal’ recognition from sympathetic donors, partners, and like-minded officials. These endeavours take place in institutionally mediated situations in which all actors have rights and duties. (3) NGOs then seek ‘vertical’ recognition from states and international organizations. The very term ‘NGO’ is indicative, pointing as it does to its origins as a classificatory device introduced by governments in the context of international organizations to enable the inclusion, and raise the status, of entities other than governments. In order to be able to participate in international conferences convened by the United Nations (UN), NGOs have to go through a quasi-diplomatic accreditation process. In other cases, the eligibility and status of NGOs is determined by governments. Keen to retain and enhance the moral reputation of their organizations, NGO leaders have to juggle several demands, some of which are contradictory. Although they prefer to stay ‘pure’ by collaborating solely along horizontal lines, with like-minded actors in global
civil society, they often opt for strategies that involve collaboration with government agencies, because this is a way to increased funding and legitimacy (Mitchell, forthcoming). 4

**NGOs and harm conventions**

We can now give a general answer to the question of how NGOs intervene in struggles for recognition. Most of their activities in the field of international advocacy can be summed up as an effort to (a) secure binding rules that are designed to prevent *harm* being done to innocent others by constraining the power of states, businesses, and armed non-state actors, and (b) bring about the establishment of institutions of civil repair and moral regeneration where harm has already been done. There is always some notion of harm at the core of NGO activity. ‘Harm’ is here understood not as a setback to interests but as an experience of being treated unjustly. Harming is synonymous with *wronging* (Feinberg, 1984, ch. 3). To inflict harm in this sense is, by definition, morally indefensible because it implies the violation of a person’s most basic rights.

These basic rights are defended by a variety of means: a rhetoric of victimhood that raises awareness about abuses, seen and unseen, and attributes guilt and innocence; the gathering of data on such abuses; the transformation of moral causes into media-saturated ‘issues’ of compelling public interest; and strategies involving lobbying for what Andrew Linklater and Hidemi Suganami call international or cosmopolitan ‘harm conventions’ such as the Anti-Personnel Mine Ban Convention, the Convention on Biological Diversity’s Biosafety Protocol, and the ICC’s Rome Statute (Linklater and Suganami, 2006, pp. 176–87). A key aspect of NGO intervention is the construction of issues out of real-world claims and grievances – and indeed out of situations in which the victims of the injustice concerned have not even raised their voices. This process of constructing new issues is constrained by powerful gatekeepers in the NGO world who for one reason or another may decide not to ‘adopt’ an issue (Carpenter, 2010). Without these gatekeepers, the universe of possible issues would be virtually boundless.

In Table 11.1, I provide a simple matrix capturing the issues around which NGOs can theoretically start gathering data, devise solutions, mobilize global audiences, and lobby international organizations. The table should be read not as a grid but as a menu allowing various combinations of items from the different columns. The first column reminds us that *state power* has never been regarded as the only source of harm. Since people do not necessarily fight each other only in state-run
armies – witness the conflicts between independent ethnic and religious groups – war is potentially a source of harm separate from the state. The same is true of industry, given its capitalist, non-state permutations. It is my contention that all sources of harm relevant to the politics of contemporary NGOs are reducible to these three: state power, war, and industry. In a departure from much of classical political theory, neither ‘nature’ nor ‘human nature’ figures as a distinct source of human suffering – meaning that a struggle for recognition can still be waged but that there is no possibility of pointing to particular actors as causally or morally responsible. Neither the argument that ‘man is a wolf to man’, nor the view that the world is an inhospitable place subject to the whims of fortune, is taken into account. Extreme weather events that cause enormous damage to life, health, and property naturally galvanize NGOs into action, but even relief agencies tend to attribute the sufferings of hurricane victims and the like to the prior failure of government agencies to invest in disaster preparedness and emergency-response systems. Similarly, the AIDS crisis has been framed as being made worse by pharmaceutical corporations and the patent laws protecting them. In all these cases, states and corporations, even if they are not considered causally responsible for the harm suffered by others, tend to be judged as at least ‘passively unjust’ (Shklar, 1990, p. 56).

Historical other-regarding associations mostly focused on the general class of humans as victims of harm. They called upon military commanders, lawmakers, and the public to regard and treat others as fellow humans by abstracting from qualities such as skin colour, national

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<th>Sources of harm</th>
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<th>Acts of harming</th>
<th>Harm conventions</th>
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<td>State power</td>
<td>Humans</td>
<td>Killing</td>
<td>Prohibition</td>
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<tr>
<td>War</td>
<td>Animals</td>
<td>Mistreating</td>
<td>Regulation</td>
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<td>Industry</td>
<td>Children</td>
<td>Disenfranchising</td>
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<td>Minorities</td>
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belonging, and cultural background – either permanently (as in the case of slavery) or temporarily (as in the case of soldiers and civilians injured or captured in war). Animals too were considered potential victims of mistreatment and senseless killing, but they were defended on the basis of their unique species-related qualities, not on the basis of an imagined ‘common animality’ analogous to the common humanity of wounded soldiers, prisoners of war, bonded labourers, or slaves. Over time, the list of victims deemed worthy of inclusion in global advocacy campaigns has grown enormously. The third column of the table lists some of the most common types of harm to which humans and non-humans can be subjected. These can be broken down further, into countless other, more specific types of harm. The fourth column indicates that in responding to these harmful activities, activists can opt either for blanket prohibition or for regulatory provisions. Which of these is chosen depends partly on how radical single groups are and partly on what pre-existing norms there are for dealing with the harmful practices in question. It would be ludicrous to call for anything less than the complete prohibition of practices such as slavery. On the other hand, there are very few NGOs calling for a total prohibition on the killing of humans, under any circumstances, or for a total ban on war.

As new victims of harm and new categories or subcategories of harming have been discovered, new issues have emerged. An early addition to the list, complementing slavery and cruelty to animals, was the issue of ‘children in war’. This prompted the creation of the United Nations Children’s Fund (UNICEF) and Save the Children, and has itself generated additional issues such as those of war orphans, child refugees, and child soldiers.

The table can also be used as a heuristic device. By combining key words from the first two columns and running down the list of harmful acts in the third column, we find clues to the range of issues around which campaigns have emerged or may emerge in the future. At the interface between ‘industry’ and ‘children’, for instance, we find issues such as those of child labour and the abuse of children by the global sex industry, which have gained prominence in recent times. The adverse effects suffered by women as a result of war have similarly attracted increasing attention: ‘sexual violence in armed conflicts’ has been transformed into an issue by women’s rights groups and has been successfully institutionalized by recent war crimes tribunals, which have declared the systematic rape of women to be a crime against humanity. Even the effects of war on animals have become an issue, with animal rights groups organizing or advocating rescue missions to save pets abandoned by their owners in war zones and disaster zones. The overall trend in the
‘issue pool’ (Carpenter, 2010) administered by transnational activists is one of constant growth. The explanation for this is more likely to be found on the supply side than on the demand side. It is not that things are forever getting worse; it is rather that our capacity to discover and describe forms of avoidable suffering is improving.

Varieties of bad recognition

At this juncture, I would like to point to a crucial ambivalence in recognition theory. It is often assumed that systematic disrespect creates a pull towards a meaningful struggle for recognition. At the same time, it seems clear that struggles for recognition cannot be traced directly back to particular grievances in the way, say, that a disease can be traced back to an infection. Inchoate feelings of not being sufficiently respected or esteemed do not, of themselves, have any force. Honneth writes that ‘moral feelings – until now, the emotional raw materials [Rohstoff] of social conflicts – lose their apparent innocence and turn out to be retarding or accelerating moments within an overarching developmental process’ (1995, p. 168; also Honneth, 2012 and the discussion in Heins, 2012). Like raw materials, grievances are undirected and mouldable. For this reason, struggles for recognition are open ended. There is no such thing as an autopilot to keep these struggles on course towards emancipatory goals. Being fuzzy in their understanding of who is to blame for what, they allow for a wide range of not always ethical behaviours and outcomes. But once they degenerate into something resembling a pub brawl, with no intelligible trigger, they cease to be struggles for recognition and can only be brought to an end by general exhaustion or the intervention of an outside police force.

For the purposes of this chapter, it is important to bear in mind that a lot can go wrong on the path from unformed moral feelings of humiliation to collective action and political outcomes. With this in mind, I distinguish four types of ‘bad’ recognition, or ways in which recognitive attitudes towards others can go awry: misplaced recognition; ideological recognition with intended harmful consequences; well-meaning recognition with unintended harmful consequences; and merely gestural recognition, with no consequences for others.

(1) Recognition can be given to ‘undeserving’ subjects. Where the suffering of human beings results from disasters in which wilful ignorance or a misplaced sense of pride on the part of the sufferer has been
a major contributing factor, certain kinds of recognition may not be appropriate. Victims of such suffering will still be candidates for general attention, compassion, and respect for their basic rights, but it would be inappropriate to extend to them the kind of solidarity extended to people whose suffering can be attributed to the intentional wrongdoing of governments and other powerful actors. We should also consider how far we should go in extending recognition beyond the circle of natural persons. Do states and cultures deserve respect? And how does this respect differ from the kind of recognition we owe to human beings? Should we treat certain categories of animals as persons or fellow citizens, as Sue Donaldson and Will Kymlicka (2011) have suggested? There is no denying that the need to be recognized is at once fundamental and rarely fulfilled, but it is also true that recognition can be misplaced, overdone, or trivialized.

(2) Recognition can have intended harmful consequences. ‘Some rebukes are praises, and some praises are slanders’, writes La Rochefoucauld (2007, p. 43). In more theoretical terms: the act of recognizing the positive qualities of others can be an ideological move, aimed at consolidating asymmetrical relations of power. In such cases, recognition diminishes rather than enhances the opportunity for further self-development and freedom. Honneth (2007b) mentions the example of the ‘happy slave’ character Uncle Tom. Other examples of figures trapped within paralysing self-images created by false recognition from the powerful are the heroic soldier, the good housewife, the loyal ally, the model minority, and Frantz Fanon’s over-assimilated colonial subject, who aspires to speak ‘proper’ French (1967, ch. 1). In contrast to the kind of double-edged praise these subjects may win for their achievements, true recognition, according to Honneth, is backed up by tangible civil rights and material provisions. But even under well-defined conditions such as these, recognition can be intentionally harmful. Recognition and reward may be given to one set of workers as a way of putting down another. Controversial publications – such as cartoons of the Prophet Mohammed – may be used as an opportunity to reaffirm the right to free speech interpreted as a license to offend already marginalized minorities.

(3) Recognition can have unintended harmful consequences. The danger of this is particularly acute where substantial asymmetries of power facilitate paternalistic practices and discourses. In the international arena, for example, the recognition of human rights often involves
the stereotyping of people as either innocent ‘victims’, deviant ‘perpetrators’, or shamefully indifferent ‘bystanders’. This in turn can feed into arrogant and over-moralizing views about those whose voices are drowned out. The philosopher Onora O’Neill gets to the root of the problem when she argues that international human rights law, instead of assigning states straightforward obligations to respect rights, obliges them to secure respect for such rights by governing the behaviour of others. These second-order obligations empower states to control an ever-wider range of individuals and organizations that are compelled to produce goods, deliver services, and conduct themselves in such a way as to avoid incurring the blame of human rights advocates. The unintended consequence of the recognition of human rights may be a trend towards ‘establishing systems of control and discipline that extend into the remotest corners of life’ (O’Neill, 2005, p. 439).

Recognition can have no consequences at all. Whereas some forms of recognition are duplicitous and self-serving, others occupy the opposite extreme of lacking any strategic engagement. David Chandler has made the point that ‘the goal of political protest becomes increasingly an end in itself in the form of raising awareness’ (2009, p. 17; also Chouliaraki, 2013; Cronin-Furman and Taub, 2012). Big words accompany small or ineffectual deeds. Sporting AIDS ribbons or changing Facebook profiles in support of a cause are examples of attitudes of recognition without tangible consequences. Sometimes such gestures are also needlessly moralizing. Thomas Pogge claims that citizens of rich countries, simply by virtue of being citizens, are responsible for the state of the world and thereby also for the violation of the human rights of citizens in poor countries. According to Pogge (2005), the only legitimate way to deal with this original sin of belonging to the category of rich countries is to act like Oskar Schindler, who famously ‘compensated for’ living in Germany under the Nazi government by rescuing Jews. The trouble with this analogy is that readers may feel entitled to think of themselves as latter-day Oskar Schindlers simply because they buy locally grown vegetables or make donations to NGOs, regardless of whether such actions have any wider consequences. Whereas acts of ideological recognition aim at consolidating asymmetrical power relations within societies and across international boundaries, acts of gestural recognition may be doing little more than satisfying our own sense of retributive morality.
Cooperation in a moral maze

By constructing, adopting, or suppressing certain issues, transnational NGOs add an additional layer of interpretation and choice between the alleged victims of injustice and the global public. They speak for victims by re-narrating their experiences of injustice and by filtering them through cognitive frames. To determine whether NGOs contribute not just to more effective cooperation but also to a genuine moralization of world politics, I shall now apply my fourfold typology of bad recognition to the world of NGOs.

Evidence of organizations' campaigning for the recognition of ‘undeserving’ subjects or intentionally recognizing people as a way of turning them into ‘Uncle Tom’ types (see types 1 and 2 above) is thin on the ground. By contrast, examples of NGO campaigns that make no difference to the situation of victims on the ground (type 4) are easy to find. In regard to the latter, there are two possible reasons for the ineffectuality: either we are dealing with narcissistic, ‘feel-good’ activism, which by its nature is ineffectual or the activists in question are serious but not committed deeply enough to the issue in hand – their outward devotion to universal benevolence conceals a managerial indifference. Since NGOs are typically not accountable to a large membership base with well-defined interests, nor bound by a mandate from the alleged beneficiaries of their activities, they are free to hop from one cause to another without addressing any of them in a systematic and effective manner. In such a situation, the recognition of the rights and needs of distant strangers is unlikely to have any lasting consequences in terms of the freedom of those strangers.

While all the foregoing dangers are real, the trap into which transnational NGOs are most likely to fall is that of engaging in practices and discourses of recognition that have unintended harmful consequences (type 3). These consequences may flow from either of two related characteristics of other-regarding global activism. The first is a tendency on the part of NGOs to emphasize the inability of victims of injustice to help themselves and the consequent need for outside intervention. This message, and the accompanying rhetoric, can be appropriated by foreign political and military elites to justify or rationalize otherwise illegitimate intervention. The implication of this is that NGO activism can have the unintended side effect of strengthening and legitimating already powerful states, which in turn can be harmful to global justice. The second characteristic is the tendency of NGOs not to be content with identifying victims and always to look for ‘evil-doing’ perpetrators
to carry the blame. This approach is inherently problematic, because it oversimplifies real-world situations, ignoring these in favour of misleading movie-style clichés of villains cooking up nefarious plots.

What is more, there is a danger of grievances and wrongdoers being misidentified – as the recent history of the European-sponsored anti-biotechnology movement in developing countries shows. A few years ago, a global coalition of NGOs tried to mobilize the Indian and global public against the globalization of agriculture, the activities of multinational corporations, and the introduction of hybrid seeds by arguing that these were the root causes of misery and dependence among Indian farmers. The mobilization failed because the activists misjudged the needs and attitudes of the farmers, who preferred a cautious wait-and-see approach to the new biotechnologies – and in some cases actually started growing genetically modified cotton before it was officially approved. As Ron Herring writes, ‘the interests of farmers’ were incompatible with ‘the perceptions of farmer interests by activists’ (2006, p. 483). What is worse, urban NGOs were guilty of the ‘cultural denigration of rural people’ (p. 474) in that they underestimated their diffuse power and their capacity to think and decide for themselves. Notwithstanding all the talk about ‘the weapons of the weak’, NGOs can be patronizing, lacking in accountability, and indeed dismissive of their basic obligation to get the data right.

In cases in which it is difficult to single out perpetrators, there is a tendency to blame entire cultures. In the United States, for example, young African women have been granted political asylum on the basis of their fear of genital mutilation and forced marriage. The flip side of this welcome gesture of recognition has been the construction and indictment of ‘African culture’ as cruel, misogynistic, and essentially oppressive (McKinley, 2009). This is a case of manufacturing consent by cultivating hostility towards an incorrectly identified cause of suffering. More generally, there is a streak of misanthropy in the Western obsession with global victims. The paradox is that NGOs risk misrecognizing entire societies because they see little that is positive in the environments from which they draw their issues – environments that are made up exclusively of passive victims and their abusers. For example, contemporary cosmopolitan activists tend to single out ‘poverty’ as the sole cue for thinking about entire continents such as Africa, not realizing that Africans may interpret this compassionate representation as a form of denigration. Referring to anti-poverty campaigns in Britain, a well-known South African businessman made the point that ‘[i]n a continent of nearly 700 million people, 50 very different countries and hundreds
of different languages [...] there is another Africa, vibrant and full of potential that also demands recognition’ (Oppenheimer, 2005).

The core problem here is the weakness of the organic ties of most transnational NGOs to the groups they claim to be defending from harm. The causal arrow usually points not from shocking experiences that profoundly affect the lives of individuals to the foundation and growth of advocacy organizations, but the other way round. Instead of victims creating the conditions in which particular claims about their suffering resonate with a wider audience, we have distant non-victims making representational claims in regard to victims and seeking ‘authenticity rents’ (Herring, 2006, pp. 483–6) by asserting that their critique comes ‘from below’.

NGOs are normally run by restricted circles of unelected professionals and are externally funded through private donations or public sponsorship. This tendency to bypass broader constituencies has obvious strategic advantages in terms of flexibility and networking. While well suited to the environments in which international policy deliberations take place, NGOs often prove less than effective at channelling the aspirations of ordinary citizens who want to get involved in political life. The ‘diminished democracy’ (Skocpol, 2003) of NGOs mirrors and reinforces that of international organizations, and vice versa. Because of their specialist knowledge and their carefully crafted air of authenticity and democratic rootedness, NGOs make interesting partners for international and supranational organizations. Conversely, NGOs are attracted to international organizations because the latter are not the handmaidens of the governments that created them and because they are engaged in global rule making, often without being accountable to electorates and parliaments (Barnett and Finnemore, 2004). As a result of their efforts to secure legal recognition, NGOs have managed to expand their influence in tandem with the rise of international organizations and other unelected bodies vested with official powers.

Two aspects of the growing influence of NGOs on international public policy need to be distinguished. Over recent decades, particularly in relation to the UN system and through processes of improved ‘vertical’ recognition, NGOs have been able to expand and consolidate their formal standing with all relevant treaty bodies (Alger, 2007). With regard to individual states, formal consultative and financial relations between governments and NGOs have been strengthened – even in countries such as France, where the state long balked at the idea of funding or lending its ear to non-state partners (Cumming, 2009). The move towards increased formality is reflected in the current humanitarian system,
which is increasingly driven by state money and contractual arrangements between governments and NGOs (Coyne, 2013). In the field of advocacy campaigns, NGOs have also initiated or participated in various informal coalitions with states, mostly with the aim of establishing or bolstering harm conventions. The successful international campaign to ban landmines and the campaign for the creation of the ICC are well-known examples of informal coalitions of this kind, in which NGOs join with some states to counter others (Kirkey, 2001; Sending and Neumann, 2006). Whereas states – which have a tendency to talk only to other states – are traditionally ill-equipped to function in complex multi-stakeholder environments, NGOs have proved to be exceptionally good at facilitating and brokering coalitions, particularly between small states and non-state actors (Neumann, 2013, pp. 83–4).

From the normative standpoint of critical recognition theory, there is no way to tell a priori whether all this is good or bad news. However, what the analysis presented here suggests is that it would be precipitate to conclude that NGOs are by definition forces for good, provided they are not corrupted by state power. My point, rather, is that states and international organizations can also be corrupted by NGOs – if, for example, they buy into the false authenticity claims and ill-informed agendas of what may be seen as self-appointed guardians of global morality. NGOs are not born morally superior to states, or indeed to businesses. Their critical, creative, and attention-focusing role has a dark side too. In the new global separation of powers currently emerging, all these actors – states, businesses, and advocacy organizations – deserve recognition to the extent that they limit each other’s power to harm. Since 9/11, for example, states have been instrumental in eliminating jihadist NGOs and bringing transnational Muslim NGOs into the mainstream of professional advocacy groups and global service providers (Bloodgood and Tremblay-Boire, 2011; Petersen, 2012; Thaut et al., 2012). Other groups are playing an important role in speeding up corporate change in the fields of climate and environmental politics and in exposing the unjust nature of state policies relating to vulnerable populations (Skocpol, 2013).

Conclusion

There are various ways of conceptualizing NGOs in democratic and IR theory. In this paper I have suggested a definition of NGOs as civil and cooperative associations working on behalf of, and for the recognition of, others. The irony is that these inclusionary efforts have an exclusionary
side. International NGOs are unelected authorities wielding considerable power both in the public sphere and in the context of regulative and law-making institutions. Much has been written about governments remaining impervious to the moral rhetoric of NGOs, but the more important point is that the beliefs and preferences of NGOs are often not shared by the people either. While NGOs may see themselves as agents of moral redemption in international society, they are also unelected authorities whose legitimacy is permanently open to question. They should therefore be regarded as the human face of what Frank Vibert (2007) has called the ‘global rise of the unelected’ – in other words, entities that govern the globe for and on behalf of, but without being authorized by, the people.

Given this status, NGOs cannot be expected to contribute to transnational forms of democracy (Greven, 2005). Their value in relation to new forms of governance lies elsewhere. Apart from helping to facilitate global cooperation, they are good at anticipating crises and are willing to say what is unsayable in the arena of electoral politics. Like other expert bodies, they are cut off from the noise of representative democracy, but unlike technocrats, they are well attuned to the sound of impending danger.

Recognition theory can serve as a resource for assessing contrasting claims about the legitimacy of transnational NGOs. In principle, there is nothing wrong with the notion of third-party intervention in global struggles for recognition. The fact that NGOs are unelected is also not in itself a problem. In modern societies, unelected professionals and agencies working in areas such as food protection, aviation security, and child support are vital in protecting citizens from harm. The same is true of statisticians, auditors, and central banks. These agencies rely for their legitimacy not on civic participation but on their specialist knowledge (Vibert, 2007). Similarly, truly civic-minded NGOs distinguish themselves from elected bodies in a democracy by their eagerness to gather and disseminate harm-related information that is not skewed by governmental or corporate bias. Unlike the ‘bad’ NGOs mentioned before, these organizations are ideally characterized by ‘a more open acknowledgement of the incompleteness, uncertainties and disputes that accompany facts and empirical knowledge’ (Vibert, 2007, p. 168).

Another way in which NGOs can contribute to the quality of democracy is by fostering organic, cooperative relations with the sections of global society for which they speak. This is best achieved when victims of perceived injustice take the initiative in creating their own international advocacy groups. Although historically NGOs have had a tendency to
engage in advocacy on behalf of victims of abuse who cannot, or are not expected to, speak for themselves (political prisoners, for example), there have been cases in which marginalized victims have successfully ‘gate-crashed’ established NGOs and persuaded their leaders to embrace new issues (see the examples in Bob, 2009, also Mertus, 2009). In order to be effective and legitimate interveners in struggles for recognition, NGOs need to be seen to have deeply anchored roots. Organic ties do not have to be based on elections, but they do require openness, reciprocity, and mutual trust. They require what Edmund Burke called ‘a communion of interests, and a sympathy of feelings and desires between those who act in the name of any description of the people, and the people in whose name they act’ (cited in Eagleton, 2009, p. 62).

Notes

1. On the difference between natural persons and the agency of states and other corporate entities, see Wendt (1999, pp. 221–4).

2. The World Giving Index ranks nations according to the time and money they donate to NGOs. Its 2013 Top 20 list, although headed by the United States and Canada, features Myanmar in third place and a number of other Asian countries and African nations within this top group. Only five of the countries in the ranking are members of the Group of Twenty (G20), which comprises 19 of the world’s largest economies plus the European Union (Charities Aid Foundation, 2013).

3. As an example: much of the famous campaign against the Narmada Dam project in India can be traced back to initial contacts between local Indian activists and Bruce Rich of the US-based Environmental Defense Fund (Pallas and Urpelainen, 2013, p. 416).

4. This has been particularly true in the human rights field, in which NGOs have become much more influential over the last few decades, not at the expense of states, but in shifting alliances with some of them (e.g. Heins et al., 2010).

References


Gradual Recognition: Curbing Non-State Violence in Asymmetric Conflict

Janusz Biene and Christopher Daase

Asymmetric conflicts, that is, armed struggles between states and non-state actors, are characterized by the antagonists’ diverging organizational structures, which imply different preferences concerning the conduct of hostilities (Daase, 1999, p. 93). Given their relative military strengths and weaknesses and limited commitment to international law, armed non-state actors (ANSAs) tend to use guerrilla strategies or even terrorism to pursue their political goals. States traditionally frame ANSAs as ‘terrorists’, ‘bandits’ or ‘fanatics’, aiming at denying their legitimacy and ruling out any official engagement other than through law enforcement, intelligence, or the military (Bhatia, 2005, p. 14). Similarly, traditional scholarship holds that defeating ANSAs by force trumps any other form of engagement (e.g. Cronin and Ludes, 2004). Recent studies offer a more nuanced view, however, and suggest that there might be alternative ways to engage ANSAs. While non-state actors are sometimes willing to commit themselves to the principles of international humanitarian law (IHL) (e.g. Herr, 2010), other groups have de-radicalized after more or less coercive persuasion by their state antagonists (e.g. Ashour, 2009). Some scholars even argue that ‘talking to terrorists’ might mitigate violence or end terrorism (e.g. Goerzig, 2010; Toros, 2008; Zartman and Faure, 2011).

Although recognition is central in such processes, it has only been sparsely analyzed. This is surprising as both Social Theory and International Relations (IR) indicate that recognition may have an impact on a group’s behavior. While the former underlines the salience of recognition in intergroup and interstate relations (e.g. Honneth, 2006; Lindemann and Ringmar, 2012), IR analysts point to various cases
in which recognition may have been a factor to prevent or mitigate deviant behavior (Bassiouni, 2008; Herr, 2013).

The crucial question is, under what conditions does recognition lead to de-escalation and to the renunciation of violence? And, looking at the flipside: does misrecognition account for escalation? This chapter analyzes the history of the Palestinian Liberation Organization (PLO) or, more precisely, their dominant faction, Fatah, from 1962 to 1993 in order to investigate whether recognition by states and international organizations can incentivize ANSAs to show restraint. We proceed in three steps. Firstly, we provide a more nuanced concept of recognition and relate our argument that recognition might have a restraining impact on the use of violence of non-state actors to the literature. Secondly, we provide a narrative of the Palestinian-Israeli conflict in which events of recognition and changes in strategic behavior on the part of Fatah are correlated. Thirdly, we summarize our findings and claim that international recognition can have an effect on violent action, but that this effect is dependent on the strategic situation of the non-state actor, on the one hand, and on the nature of the recognizing state or organization, on the other.

Gradual recognition

The idea that recognition matters not only for individuals but also for collective entities has recently emerged in IR (e.g. Lindemann and Ringmar, 2012; Wolf, 2011). Most research is conducted in the realm of constructivism and contrasted with rationalist studies of state behavior. In contrast to the latter, constructivists hold that interests are never given as such, but always depend on an entity’s identity. As the entity’s self is ‘inherently reflexive’, it is recognition that enables it to have interests and to act accordingly (Ringmar, 2002, p. 118). Even though constructivists make a valuable point, the relevance of recognition is not limited to identity formation. As Lindemann (2012) stresses, ‘the quest for recognition is often quite strategic and reputation is a resource in the struggle for power’ (p. 221). Consequently, recognition is not bound to the affective dimension and, therefore, out of reach for rationalist approaches. On the contrary, recognition can be seen as an integral but insufficiently studied part of rationalist accounts. Thus, the struggle for recognition is not only about identity but also about reputation and status. This insight particularly applies to ANSAs, which are ‘above all’ interested in ‘status and representational recognition’ (Zartman and Faure, 2011, p. 6).
States traditionally show considerable reluctance to deal with ANSAs in any form other than law enforcement or force. Political strategies like ‘formal or informal talks’ are seen as detrimental (Steinhoff, 2009, p. 301). In fact, states – at least publicly – often adhere to a ‘no-negotiations doctrine’ (Pecastaing, 2011, p. 171). And indeed, there are good arguments for states refraining from engagement (e.g. Zartman and Faure, 2011). However, a growing body of literature provides more optimistic accounts: while Goerzig shows that granting concessions to ANSAs does not necessarily result in the latter’s radicalization but may incentivize de-radicalization (2010), Toros claims that a conditional, non-violent dealing with an ANSA ‘can be a means to transform a conflict away from violence’ (2008, pp. 407, 416). Stedman argues that spoilers with limited aims may be addressed best by a strategy of inducement and socialization (1997, p. 12). All these arguments stress the importance of providing incentives, that is, ‘political […] benefits in exchange for a specified policy adjustment’ – a strategy often overlooked in the study of IR, compared to punitive sanctions (Cortright, 1997, pp. 5–6).

However, this literature also has some important gaps. Firstly, research on positive sanctions in IR lacks studies of the effect of inducements on ANSAs. Secondly, studies on engaging ANSAs acknowledge that talks imply some recognition of ANSAs, but discard the relevance of the latter. However, recognition of status may itself be a promising factor incentivizing restraint. In studies of conflict management it is usually assumed that restraint precedes recognition. For instance, Zartman and Faure argue that ‘moderation’ is not a consequence but a precursor and primarily a ‘necessary condition’ for engagement (2011, p. 14). Accordingly, a state engages with an ANSA ‘only when it perceives enough relaxation of means’ on the part of the non-state actor (p. 14). In contrast to Zartman and Faure, the theoretical argument of this chapter is that it may not be moderation that precedes recognition, but recognition that precedes moderation. We argue that recognition may incentivize moderation in means, that is, restraint in violence. In contrast, misrecognition may be a factor accounting for the escalation of violence. In the long run, recognizing an ANSA might even push it ‘down a path of change or transformation’ and to full integration into international society (Toros, 2008, p. 413).

Assuming that an ANSA’s violence in an intra-state armed conflict is a strategic endeavor, it is reasonable not to think of its strategy as invariable. Quite to the contrary, ANSAs adapt their means to the circumstances at hand. If an ANSA pursues political goals, it might be interested in increasing its reputation and gaining status through international
Gradual Recognition

If it also has a sufficiently strict hierarchy, it might be able to enforce leadership decisions and reduce violence for this purpose. Different kinds of political violence can be detected that enjoy different degrees of legitimacy with regard to the international law of armed conflict and moral reasoning. Non-state actors, we claim, are aware of these differences, as their justificatory behavior demonstrates. Thus, we can depict a typology of violent means that are not strictly distinct, but distinct enough as to warrant different forms of rationalization and justification.

The most common and still non-violent opposition behavior is non-violent resistance that consists of acts of civil disobedience, mass demonstrations or boycotts. In terms of legitimacy, this is the least problematic strategy since it is part of the normal repertoire of opposition movements. A more problematical strategy is violent riots, which entail rowdy demonstrations or similar excesses usually against government facilities or equipment, more rarely against security personnel. A further step is taken if violence is (a) more organized and (b) strategically oriented against government installations as well as police and military forces. In this broad category of guerrilla warfare, we also include acts of armed sabotage. While guerrilla warfare under certain circumstances might enjoy some kind of political legitimacy even under international law, terrorism as a strategy of directly targeting civilians with the aim of spreading fear is devoid of all legitimacy, at least in terms of international law.¹ For the purpose of our argument, we differentiate two kinds of terrorism. Domestic terrorism that is directed toward the civilian population of the adverse state and restricted to the theater of conflict on the one hand, and international terrorism that deliberately aims at killing civilians of third parties and/or in faraway places to spread fear globally in order to coerce adversaries to change their policies.

Although the lines between these forms of political violence may be fuzzy, they are distinct enough to allow non-state actors to use them strategically in order to signal escalation or de-escalation of a conflict. We claim that the willingness to escalate or de-escalate political violence is dependent not least on the recognition the non-state actor enjoys nationally and internationally. If this were true, we would see a change of strategy after a certain recognition event has taken place.

We speak of ‘recognition events’ in order to make recognition observable. Although recognition is a complex social process, it has to be operationalized for our purpose as a single statement of status acknowledgment by third parties. Such statements can be given formally or informally, depending on who is speaking, how it is granted, and in what
situation the recognition takes place. Even more important is the degree or level of recognition. Contrary to what Political Theory claims, there is not only recognition or non-recognition. At least in world politics there are many different degrees of ‘recognition as’. We refer to these forms as ‘grades of recognition’ and to the practice of conceding these grades strategically as ‘gradual recognition’.

In line with our assumption that non-state actors look for recognition strategically, we hypothesize that the gradual granting of recognition might have an influence on their behavior. Thus, we distinguish four different grades of recognition that could alter non-states’ rationale for applying certain forms of violence. The first is the recognition of a non-state actor as a party to the conflict. This is not a trivial matter, since often states negate that a conflict exists, deny its political character, or delegitimize it through criminalization or similar policies. Recognition as a conflict party acknowledges the existence of the non-state actor, that is, its corporate identity as a political force. This does not imply any appreciation or legitimization, but a statement of facts. As such it is the most basic and necessary step for conflict management to take place (Sederberg, 1995, p. 306). A more demanding form of recognition of non-state actors is their recognition as a participant in informal talks. Second-track talks often take place among non-officials or officials in their private capacity to probe the possibilities for more official negotiations (Chigas, 2003). Nevertheless they entail the acknowledgment that the non-state actor in question has a central role to play in conflict management. This grade of recognition implies the acknowledgment of the non-state actor’s status as a competitor, which cannot be made to disappear or be circumvented, but has the power to defend its interests. The next step of recognition is reached when a non-state actor is recognized as a participant in formal talks. If officials from both sides come together to discuss the conflict and possible solutions, the state government acknowledges not only the existence and status of the non-state actor, but also the possibility that it might have legitimate claims to bring to the table. Yet another step is taken if a non-state actor is recognized as representative of a collective or even sole representative of a people. Here, the recognizing actor acknowledges that the non-state actor speaks and acts on behalf of a larger social group and ‘has the authority to create morally binding rules and decisions, as well as the right to enforce these rules and decisions coercively’ (Schmelzle, 2011, p. 9). This implies the acknowledgment of the non-state actor’s legitimacy of political authority and its ability to negotiate with governments to further the collective good of that people. Again, the distinction among these grades is not fully clear
cut. Yet, they entail gradations that are important insofar as they can be applied to keep the momentum of persuading non-state actors into ever more compliant behavior with regard to the use of violence. The ability of international actors to ascend the ladder of recognition enables the non-state actor to descend the ladder of violence.  

A case study of Fatah (1962–93)

We will assess the plausibility of the theoretical argument by looking at its explanatory power with regard to Fatah’s struggle for a Palestinian state from 1962 to 1993.

Early recognition and armed struggle (1962–9)

Despite its stark rhetoric, in the early 1960s Fatah focused on building up the organization and seeking international support instead of attacking Israel (Tessler, 2009, p. 376). Indeed, in 1962 and 1964, Algeria and China permitted Fatah to open representations in Algiers and Beijing, while Syria allowed the organization to locate its headquarters in Damascus in 1964 (Yaari, 1980, pp. 56–79). In doing so, these states recognized Fatah as a participant in formal talks. Moreover, they supported the organization by providing military training, weapons, logistics, and intelligence (Cobban, 1984, p. 217; Sayigh, 1997, p. 102; Yaari, 1980, pp. 56–79).

Fatah’s armed struggle only began on 1 January 1965. Until the eve of the June War 1967, it mostly conducted acts of sabotage aimed at critical infrastructure (Alon, 1980, p. 35). In committing acts of sabotage and increasingly targeting Israeli security personnel, Fatah employed guerrilla strategies. From early 1968 onward, however, it began to employ domestic terrorism as well (Dishon, 1973, pp. 282, 345).

Instead of eroding the support of both the Palestinian public and the Arab states, the continuation and escalation of the armed struggle resulted in political gains for Fatah, for instance, enabling it to take over the PLO in February 1969 (Karmon, 2005, p. 240; Tessler, 2009, p. 429). By supporting and attending Yasser Arafat’s election as PLO chairman, Egypt’s president Gamal Abdel Nasser recognized the Fatah-led PLO as a participant in formal talks. Moreover, by taking over the PLO, Fatah enjoyed ‘formal recognition of all Arab states’ (Sayigh, 1997, p. 668).

In these initial years, the recognition granted by the Arab states and China did not have a restraining effect. The organization was not dissuaded, but rather encouraged to employ guerrilla warfare. The primary reason for this reversed effect lies in the characteristics of the recognizers. While Algeria was a staunch supporter of ‘national
liberation’, China aimed at gaining influence vis-à-vis its US and Soviet rivals (Alexander and Sinai, 1989, pp. 77, 130). Syria and Egypt recognized Fatah not only in order to weaken Israel but also to challenge each other. Thus, Fatah gained recognition not despite but because of its announcement and practice of armed struggle. The increasing use of domestic terrorism seems to be unrelated to these gains in recognition as Fatah arguably increased the intensity due to the efficiency of the Israeli defense. It was simply easier to target civilians.

**International ignorance and international terrorism (1971–4)**

After Fatah had taken over the PLO, it rose not only in power but also in antagonism toward its primary host: Jordan. In September 1970, the situation escalated, with the army ousting the PLO from Jordanian territory (Tessler, 2009, pp. 457, 462).

The expulsion from Jordan severely limited Fatah’s ability to attack Israel and damaged its domestic and international status (Merari and Elad, 1986, pp. 22–3). In this phase Fatah suffered from a lack of international recognition. In the period from 1971 to early 1973, Fatah’s relations to Arab and non-Arab states (for instance, China) were at a low level or non-existent (e.g. Cobban, 1984, p. 219). In this situation, Fatah established the Black September Organization (BSO) and engaged in *international terrorism* from 1971 to 1974. To save Fatah’s public image, the BSO was established as a secret organization without any apparent links to Fatah and the PLO (Alexander, 2003, p. 3). From 1971 to June 1974, the Global Terrorism Database (GTD) lists 51 incidents that caused approximately 77 fatalities and 121 injuries (START, 2011).

In this phase Fatah did not gain recognition, and it escalated its struggle to international terrorism. In doing so, Fatah aimed at putting the Palestinian cause on the international agenda. While in previous years its rationale for violence was ‘solipsistic’ (Lustick, 1990, p. 55), Fatah now increasingly turned to the international audience (e.g. Iyad and Rouleau, 1981, pp. 112–13). Thus, international misrecognition partly incentivized Fatah’s turn to international terrorism.

**Arab and Soviet conditional recognition (1973)**

Having been defeated in the October 1973 war, the Arab states realized that, firstly, Israel could not be eliminated by force and that, secondly, the Arab-Israeli conflict could only be solved with an autonomous PLO being integrated into a peace process (Konarek, 2009, p. 44). Therefore, they expected the PLO to renounce its ‘revolutionary character’ and to develop a more responsible stance (Konarek, 2009, p. 44; Sayigh, 1986,
p. 101). In November 1973, the Arab states secretly recognized the PLO as the sole representative of the Palestinian people (ALSC, 1973, pp. 463–4). Moreover, in November 1973 the Union of Soviet Socialist Republics (USSR) promised its support for the Palestinians if the latter showed moderation in ends and means and endorsed the idea of a ‘mini state’ (Kirisci, 1986, p. 109).

Fearing to be ‘liquidated through Arab concessions to Israel’ (Hulme, 2004, p. 44), being pressured by both the Arabs and the USSR, and realizing the downside of international terrorism, the Fatah-led PLO changed strategies (Frangi, 1982, p. 196). In February 1974, Fatah decided to stop terrorism outside of Israel (Gowers and Walker, 1991, p. 115), and at the 12th Palestinian National Council (PNC) meeting in Rabat in June 1974, it opted for a minimal instead of a maximal goal, thereby becoming a ‘responsible’ actor (Sayigh, 1986, p. 101).

Guerrilla attacks from Lebanese soil (1974)

Indeed, in 1974 Fatah’s conduct began to change. The last terrorist incident is reported to have taken place on 25 June 1974 (START, 2011). The attack was aimed inter alia at disrupting US-Arab negotiations and at underlining the necessity of integrating the PLO into the process (Hulme, 2004, p. 46; Kurz, 2005, p. 84). Subsequently, from July 1974 to 1978, the GTD does not list any terrorist attack by either Fatah or the BSO either in Israel or beyond (START, 2011). Having acquired heavy weaponry, Fatah instead engaged in ‘semi-conventional warfare’ (Alexander, 2003, p. 3; Daase, 1999, p. 178), that is, military attacks and cross-border shelling, which qualifies as the employment of guerrilla strategies.

Broad international recognition (1974)

In March 1974, the Non-Aligned Movement adopted a resolution granting ‘full recognition of the PLO as the sole legitimate representative of the Palestinian people’ (Tessler, 2009, p. 484). Soon afterwards the Organization of African Unity (OAU) followed suit (Alexander and Sinai, 1989, p. 167). In August 1974, the Soviet leadership recognized the PLO in the same manner and allowed it to open an office in Moscow (Kirisci, 1986, p. 109). Furthermore, the Soviets ‘advised Arafat of the advantages of a phased struggle, presumably contributing’ to the 1974 PNC declaration (Kurz, 2005, p. 81). In October 1974, the Arab summit publicly granted the PLO recognition as the sole legitimate representative of the Palestinian people in the Palestinian territory that is liberated’ (Tessler, 2009, p. 484; emphasis added). Finally, passing resolution 3120 in October 1974, the United National General Assembly (UNGA) invited
the PLO to participate. A month later, Arafat addressed the UNGA and stated his view of the ‘political and diplomatic struggle as complements [...] of armed struggle’ (Arafat, 1974). In the wake of Arafat’s speech, the UNGA passed Resolution 3236 and Resolution 3237, thereby recognizing the Fatah-led PLO as the representative of the Palestinian People and granting it observer status.

The empirical evidence indicates that in this phase recognition played a major role in incentivizing restraint. While the initiatives of both the Arab League and the USSR implied their will to commit the PLO to its new course, and thereby incentivized the PLO’s moderation, the subsequent recognition by the UN was both a result of and a reward for this move. Arafat stated that these decisions transferred more ‘responsibility’ to its organization (cited in JPS, 1975, p. 178). Indeed, it took the Fatah-led PLO up on its promise, raised the cost of deviant behavior, and strengthened the moderate Fatah leadership (Sayigh, 1997, p. 684).4

International misrecognition and domestic terrorism (1978)

Despite the considerable recognition gains in 1974, in the following years the Fatah-led PLO was excluded from the international stage. In September 1975, Egypt and Israel signed the United States-brokered ‘Sinai II agreement’, and three years later the Camp David talks were launched. Finally, in March 1979 Egypt and Israel; signed a peace treaty in Washington. As the Palestinian issue was ignored and the PLO had been excluded from the negotiations, the 14th PNC condemned the Camp David Accords as ‘a conspiracy which should be rejected and resisted by all means’ (cited in: Cobban, 1984, p. 103).

As the Fatah-led PLO desired to be integrated into international negotiations, it was eager to ‘portray the PLO as a capable and responsible quasi- [...] state actor’ (Sayigh, 1997, p. 448). Therefore, in 1979 the PNC authorized Arafat to negotiate on the basis of the ‘mini-state approach’ adopted in 1974 (Hulme, 2004, p. 45). Nonetheless, in 1978 Fatah had resumed domestic terrorism. The GTD lists 11 terrorist incidents allegedly perpetrated by Fatah forces between March 1978 and July 1980 mostly in Israel and the Gaza Strip (START, 2011).

It can be argued that misrecognition accounts for this escalation. Even though the Fatah-led PLO enjoyed wide international recognition, both the US and Israel were eager to exclude it from the negotiation table. In order to protest against its exclusion, to enforce its integration, and to spoil political initiatives ignoring the PLO, the Fatah-led PLO engaged in domestic terrorism against Israel (Sayigh, 1997, p. 684).5
European recognition (1980)
In June 1980, the European Council (EC) underlined the need to come to a ‘just solution to the Palestinian problem’ and demanded that the PLO would be ‘associated with’ negotiations (Geddes, 1991, p. 386). This was the first time the EC explicitly mentioned the PLO, thereby recognizing it as a party to the conflict – as did various European states like Austria and Greece individually (Chagnollaud, 1990, p. 258; Cobban, 1984, p. 233). Moreover, the EC tried through meetings of EC officials with Arafat ‘to moderate the PLO’ (Kirisci, 1986, p. 107).

De-Escalation to guerrilla strategies and beyond (1980–2)
After a brief Israeli invasion of South Lebanon in 1978, Fatah’s strategy of violence gradually began to shift in 1979 to the employment of guerrilla strategies as it was eager not to provoke another major Israeli attack. However, in June 1982 Israel indeed invaded Lebanon, aiming at eliminating the Palestinian infrastructure in the country and at damaging the ‘PLO’s international legitimacy and status as an important actor’ (Tessler, 2009, p. 582). Without any help from Arab states, the PLO leadership fled to Tunis. Subsequently, there is no indication of political violence employed by Fatah or the Fatah-led PLO until December 1983.

In this phase, recognition cannot account for the Fatah-led PLO’s restraint. Even though the recognition granted was a major diplomatic success, the European states and the EC were reluctant to severely pressure Fatah to moderate (Alexander and Sinai, 1989, p. 154). Therefore, it is the fear of an Israel invasion and the military defeat in Lebanon that best explain the Fatah-led PLO’s restraint.

Secret Israeli recognition and opaque terrorist violence (1984–7)
Ousted from its stronghold in Lebanon, in 1983 and 1984 the Fatah leadership was forced to readjust the PLO’s program. Due to the military defeat, the ‘political, military, and strategic situation had completely changed’ (Khalidi, 1985, p. 90), and the military option was lost (Daase, 1999, p. 178).

In this situation PLO members and envoys of the Israeli government secretly met on several occasions in 1984 and 1985 (Wanis St.-John, 2011). Israel thereby recognized the PLO as a participant in informal talks. However, the ‘talks in the secret kitchen’ (Wanis St.-John, 2011, p. 32) were suspended due to acts of international terrorism by factions affiliated with the Fatah-led PLO in September 1985. According to the GTD, the Fatah offshoot ‘Force-17’ launched a series of attacks on both civilian

Due to ambiguous data, the role of the Fatah leadership remains unclear. Some argue that acts of international terrorism – for instance, on the cruise liner Achille Lauro in October 1985 – could hardly have been perpetrated without Arafat’s knowledge and consent (Gowers and Walker, 1991, p. 252; Rubin, 1994, p. 78). Others indicate that the Fatah leadership might have been unable to control its radical ranks, which aimed at spoiling ongoing diplomatic processes (Kurz, 2005, p. 10; Tessler, 2009, pp. 660–1).

The first intifada and no recognition (1987)

In December 1987, protests of Palestinians in the Gaza Strip institutionalized to a massive civil uprising that spilled over onto the West Bank, the so-called ‘first intifada’. The literature unequivocally declares the intifada to have been ‘neither military nor terrorist in character’ but as a civilian uprising characterized by both violent riots and non-violent resistance (Shalev, 1988, p. 37). Due to fears of Israeli retaliation and a desire not to lose international support, Fatah urged the protesters not to use any firearms (Shalev, 1989, p. 28). Indeed, the violent riots were characterized primarily by the throwing of stones as well by the use of knives, axes, and Molotov cocktails. Primary targets were Israeli security forces (p. 37).

Even if Fatah had not staged the uprising, thanks to its social infrastructure it eventually managed to take its lead (Daase, 1999, p. 178). As a consequence, the intifada did not only win the Palestinian cause ‘considerable international sympathy’ (Rubin, 1994, p. 86) but bolstered the Fatah-led PLO’s status vis-à-vis the Palestinians, Israel, and international third parties (Bischara, 1991, p. 39). Nonetheless, the intifada’s first year was not characterized by any gains in recognition.

Instead, and despite its claims for moderation on the streets, Fatah engaged in political violence again. In the course of the uprising, Fatah was challenged by militant religious groups like Hamas, which opposed any moderation of goals and means (Biene, 2013; Kurz, 2005, p. 118). In an attempt to bolster its status, from late 1987 to early 1988 Fatah proclaimed the maintenance of the armed struggle in the occupied territories and Israel (Baumgarten, 1990, p. 210). This resulted in the last act of domestic terrorism perpetrated by Fatah members in March 1988.6

US recognition and restraint on the side of Fatah (1988)

Deeming the ‘days of indirect contact’ to be over (Khalid al-Hasan cited in: Rubin, 1994, p. 101), Fatah aimed at engaging in direct talks with the
United States. However, the latter demanded an explicit renunciation of terrorism as well as the recognition of Israel for United States-PLO talks to be opened (Sayigh, 1997, p. 624). Finally, in November 1988, Arafat gave in and renounced (international) terrorism (Rubin, 1994, p. 110).

In opening talks with the PLO on 15 December 1988, the US recognized the former as a participant in formal talks. As a consequence, it was ‘no longer possible to reduce [the Fatah-led PLO] to the status of a nebulous, outlaw terrorist group’ (Chagnollaud, 1990, p. 264). While parts of Fatah’s leadership at least rhetorically still upheld armed struggle (e.g. Fatah, 1989), the organization did not conduct any acts of domestic or international terrorism from March 1988 to July 1990 (START, 2011). Instead it continued to engage in violent riots and non-violent resistance.

Fatah’s desire to keep the intifada from escalating indicates that its leadership was eager to preserve its positive public image. At the 5th Fatah Congress in August 1988, the group committed itself to more moderate strategies. Even though it still declared it would ‘exercise all forms of struggle’ to end the Israeli occupation, it also ‘denounced all forms of terrorism’ (Fatah, 1989). Moreover, while in November 1988 Arafat denounced ‘acts of violence against civilians’ (cited in: Kurz, 1989, p. 86), in September 1989 he urged protesters to ‘show more […] revolutionary discipline’ (Arafat, 1989). This policy of restraint clearly aimed at gaining and maintaining international recognition.

**Israeli recognition and continuing restraint (1993)**

In December 1991, secret second-track talks between Palestinian and Israeli interlocutors were launched in Oslo. In May 1993, the Oslo channel gained momentum, with both sides agreeing to a mutual declaration of principles (DoP) (Kurz, 2005, pp. 133–4). In September 1993, the DoP – also known as the Oslo Accords – was finally endorsed by both Yitzhak Rabin and Arafat, paving the way for the Palestinian National Authority to govern parts of the Gaza Strip and the West Bank in the years to come.

However, to be ready for public signing of an agreement, both parties were compelled to move in terms of public mutual recognition. While Arafat declared on 9 September 1993, that ‘the PLO recognizes the right of the State of Israel to exist in peace and security’, Rabin responded the next day, stating that ‘the Government of Israel has decided to recognize the PLO as the representative of the Palestinian people’ (Arafat, 1993; Rabin, 1993; emphasis added).

Indeed, up to 1993 there are no indications that Fatah resumed the armed struggle. This is in line with Arafat’s declaration to ‘renounce the
use of terrorism and other acts of violence’ in his letter to Rabin. The sentence is of importance as he had so far only renounced international terrorism but not violence against Israeli security forces or civilians. This move and its enforcement in the time to come can be ascribed to the recognition granted by the Israeli government.

Conclusion

The empirical analysis of Fatah’s struggle for Palestine from 1962 to 1993 indicates that over the years Fatah gained more and more international recognition and increasingly showed restraint in using political violence. However, the effect of recognition on Fatah’s employment of violence is not clear cut. We identify four effects.

Firstly, from 1962 to 1973 Fatah escalated its struggle against Israel although, or because, it received increasing recognition. Obviously, the moderating effect of recognition is dependent on the preferences and interests of the recognizing party. Thus, recognition of ANSAs can have an escalating effect if the recognizer is interested in escalation. However, to specify the role of the recognizer, more nuanced studies are necessary.

Secondly, misrecognition may account for an ANSA escalating its struggle. From 1971 to 1974, the Fatah offshoot BSO engaged in international terrorism. The triggering event was the expulsion from Jordan and the lack of support by Arab countries, which was perceived by the PLO as misrecognition. However, the assumption that misrecognition accounts for escalation merits further research.

Thirdly, in 1973–4 recognition does indeed account for restraint. In this phase the acts of recognition were explicitly intended to moderate PLO’s means and goals, and the Fatah-led organization had to adhere to the demands in order to secure political gains in the future.

Fourthly, the analysis indicates that the recognition granted may have had a restraining effect in the long term. Even though the evidence is tentative, we can infer from Fatah’s political decisions that Arafat and his colleagues adjusted both Fatah’s and the PLO’s strategy to the judgments of international actors.

In sum, the empirical analysis indicates that recognition can have a restraining effect. However, due to the particularity of the Fatah case, the findings of this study cannot easily be generalized. Therefore, the relationship between recognition and restraint, as well as the utility of gradual recognition as a tool to curb non-state violence in asymmetrical conflicts merits more comprehensive research.
Notes

1. It is interesting to note, however, that the strict differentiation between guerrilla warfare and terrorism is a fairly recent achievement and that during the 1970s arguments were made as to the higher legitimacy of terrorism compared to war because of its selective nature.

2. Concerning the actors recognizing an ANSA, for the purpose of this study we take international organizations (e.g. UN, Arab League) and states as recognizing actors. We leave out NGOs as they do not play an important role in the case of Fatah.

3. Alternative explanations are Fatah’s desire to revenge its expulsion from Jordan and the aim to maintain its internal unity and its preponderance in the PLO (Alexander, 2003, p. 3; Hulme, 2004, p. 42).

4. There is a complementary, politico-strategic explanation. In the wake of the 1973 War, the strategic situation in the Middle East had considerably changed. The Arab states had lost, Egypt sought peace with Israel, international terrorism did not sufficiently pay off, and the Fatah-led PLO was in need of a political strategy to complement its armed struggle.

5. Alternative explanations for this shift in strategy refer, firstly, to the difficulties conducting cross-border raids into Israel, compelling Fatah to fire across the border and, secondly, to Fatah’s aim to ‘demonstrate dedication to the armed struggle’ (Kurz, 2005, pp. 98, 184).

6. On 6 March 1988, three Fatah gunmen hijacked a bus with eight Israeli passengers and killed six of them (START, 2011). We take this case as an outlier.

7. It was only splinter groups that continued to employ violence ‘in defiance of orders given by Arafat’ (Kurz, 1994, p. 121).

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Introduction

The role that recognition plays in conflict is ambivalent. Conventional wisdom argues that the non-recognition of an actor may lead to conflict and war (Agné et al., 2013). The number of asymmetric conflicts between a recognized actor, such as a state, and a non-recognized actor, such as a rebel or an insurgent group, speaks to that hypothesis. Concurrently, to Lebow and Lindemann, the struggle for recognition contributes to international conflict (cited in: Bartelson, 2013). States will protect their esteem at high costs, which leads to conflict (Bartelson, 2013). Conversely, the recognition of two actors in conflict should lead to peace, as the acceptance of each other’s legitimacy would allow for a mutually agreeable solution in any conflict. Bartelson, for example, assumes that recognition can be used as a tool to resolve contests over statehood (cited in: Fabry, 2013). Further, scholars such as Honneth or Wolf argue that international relations move into a peaceful direction if states recognize each other (cited in: Bartelson, 2013). Sharing a common framework is conducive to peace. However, this chapter argues that the relationship between recognition, war, and peace is more complex and includes dark sides of recognition in which the above hypotheses do not come to fruition. Kessler and Herborth already point out the reproduction of problems due to recognition:

No matter whether recognition is held to produce cooperation or conflict among these entities, the very move of presupposing them
indicates that the concept of recognition may merely reproduce the problem it was heralded to solve. (2013: 157)

Furthermore, Snyder (2012) observes that the politics of recognition produces fixed collective identities that reinforce hierarchical relations.

The Middle East conflict provides a case par excellence of the reinforcement of hierarchical relations and the reproduction of conflict through struggles for recognition. Therefore, this chapter asks how that struggle for recognition leads to the reproduction of the conflict. It will pay particular attention to the Palestinian side of the conflict. To approach the question about the dynamics of dark sides of recognition, the dilemma of what comes first, recognition or Palestinian unity, is addressed. As will be shown, the recognition of Israel by all Palestinians (active recognition by the Palestinians) cannot occur without cooperation between Fatah and Hamas. However, the recognition of the Palestinians by Israel (passive recognition of the Palestinians) cannot occur when Fatah and Hamas unify. Active and passive recognition differ in what comes first: recognition or unity. While active recognition is not possible without Palestinian unity, passively being recognized is not possible with Palestinian unity. Because of this inherent dilemma between active and passive recognition of the Palestinians, the struggle for recognition contributes to the perpetuation of the Middle East conflict.

This dilemma will be exemplified by two case studies: the Olmert Peace Plan and Jimmy Carter in the Middle East in 2008, and the Palestinian reconciliation and the breakdown of negotiations between Israel and the Palestinians in 2014. The chapter proceeds by outlining the argument in the next step, elaborating on the two case studies thereafter before concluding in a final step.

The argument

Proponents of the declaratory and the constitutive theory of recognition differ in their understanding of what comes first: statehood or recognition. While according to the declaratory theory, states are created because they fulfill certain criteria of statehood and hence should be recognized, according to the constitutive theory, recognition calls states into being.¹

Does one state's formal recognition of another state simply declare a state of affairs that is legally significant because objective conditions
for the constitution of some entity as a state have already been met? Or does the act of recognition by itself constitute the state as a state in law and thus a state in relation to other states? An affirmative answer to either question implies a negative answer to the other. (Onuf, 2013: 122)

The question underlying the dispute between declaratory and constitutive theory can be seen in a more general light: ‘[I]s recognition a response to something that already exists, or does it bring something new into being?’ (Bartelson, 2013: 109). The dispute over Palestinian unity and the divide between Fatah and Hamas can be pinpointed with this question. Arguably, Palestinian unity is essential for Palestinian statehood. However, instead of asking whether recognition or unity comes first, both have to be analyzed in combination. Thus, Nicholas Onuf has argued that the ‘declaratory-constitutive binary is grossly misleading’ (2013: 122). Instead of focusing on this binary, analyzing recognition and the condition for Palestinian statehood – Palestinian unity – in combination can be achieved by differentiating between actively recognizing someone and passively being recognized by someone. While in the Hegelian view recognition has to be mutual, the reciprocity of recognition can be differentiated into passive and active recognition. As the case studies will demonstrate, the conditions for active recognition by the Palestinians are different from the conditions for their passive recognition by Israel.

Two case studies: Palestinian unity as prerequisite and obstacle to recognition

As the two case studies will demonstrate in the following, the conditions for active and passive recognition are mutually exclusive. Whether recognition or unity should come first cannot be answered, as the answer is determined by the viewpoint of active and passive recognition. At the same time, mutual recognition remains a necessary factor for peace negotiations.

The first case study will show that the Palestinians cannot negotiate with Israel without unity between Fatah and Hamas. The recognition of Israel by the Palestinians without Palestinian unity does not lead to peace. The second case study will show that the recognition of the Palestinians by Israel is not possible with unity between Fatah and Hamas.
Case study 1: the Olmert peace plan and Carter in the Middle East (2008)

In September 2008, Israeli Prime Minister Ehud Olmert presented a far-reaching peace plan to Palestinian President Mahmoud Abbas, based on several conversations between the two personally and their representatives, respectively. In essence, the plan foresaw the establishment of a Palestinian state on the territory equivalent in size to the pre-1967 West Bank and Gaza Strip. The 6.3 percent of the West Bank that was to be annexed by Israel to accommodate the 75 percent Jewish population in these areas would be exchanged for 5.8 percent of land elsewhere and a safe-passage route from Hebron to the Gaza Strip (Benn, 2009). Additionally, Jerusalem was to become a shared city, with the Western Jewish areas forming the Israeli capital and the Eastern Arab areas becoming the Palestinian capital. The holy sites were to be administered by an international committee consisting of non-partisan wise men from Israel, Palestine, Jordan, Saudi Arabia, and the United States. Palestine would be allowed to establish a strong police force, but would otherwise be de-militarized, with extensive permits for the Israel Defense Forces (Avishai, 2011). Moreover, Olmert suggested a settlement of the Palestinian returnee problem by allowing several thousand Palestinian refugees to settle in Israel on humanitarian grounds.

Olmert’s offer contained unprecedented concessions regarding the borders of a Palestinian state, the status of Jerusalem, and the rights of Palestinian returnees. But Mahmoud Abbas neither endorsed nor rejected it. Olmert explains, ‘[w]hen I proposed my agreement to Abu Mazen [Mahmoud Abbas] he never said no, but he never said yes’ (Olmert, 2012). While Abbas saw Olmert’s offer as a ‘deposit for peace’, several factors impeded an agreement at the time (Carter, 2009). Particularly the United States’ quiescence regarding crucial issues (such as settlements, travel restraints, checkpoints, and the withholding of Palestinian funds) undermined Abbas’ authority internally. Within the Holy Land, the continued violence between the Israeli military and Palestinian militants in the Gaza Strip, and the Israeli expansion of settlements despite the obligations agreed on in Annapolis undermined the trust in Israel’s promises. And internally, the outstanding agreement with Hamas and other factions left Abbas in a difficult position to negotiate an agreement on behalf of both Palestinian territories, the West Bank and Gaza. It was assumed on both sides, by Fatah and Hamas, that an agreement with the Israelis foregoing Palestinian unity would be unsustainable. But by 2008, relations between Fatah and Hamas had escalated beyond rational preconditions as each side accused the other of plotting to kill their
key leaders (International Crisis Group, 2008, p. 29). Instead, Hamas’ recourse to attacks would most likely impede and disrupt any peace talks between the Palestinians and Israel, convey the divide between Hamas and Fatah, and emphasize Hamas’ unwillingness to negotiate. Accordingly, Abbas found himself in a position in which his ability to negotiate and accept a favorable deal was challenged by the lack of control over the parties and factions on the Palestinian side.

*Carter in the Middle East*

Recognizing this impediment to the peace process, former US president Carter met with members of the Hamas leadership, Mahmoud al-Zahar, Said Seyam, and Ahmed Yousef, in Cairo, Egypt, during his trip to the Middle East in mid-April 2008 to discuss a cease-fire in Gaza, the exchange of prisoners, a reconciliation with Fatah, and elections in the Palestinian territories. Carter also met with Khaled Meshal and other Hamas leaders in the Hamas political bureau in Damascus, Syria, to additionally discuss the reduction of tension and progress in the peace talks (Carter, 2009, pp. 127, 133). After some internal consultation following the talks, Meshal gave a press conference in Damascus, summarizing his responses to the meeting with Carter. He agreed to accept a peace agreement between Abbas and Israel based on the pre-1967 borders under the condition that the agreement would subsequently be approved by the Palestinian population in a referendum or a democratic election. He reaffirmed his view that for representative democratic Palestinian elections to take place, Fatah and Hamas had to reconcile under the umbrella of the Palestine Liberation Organization (PLO) (Bronner, 2008). In fact, Carter’s impression after the meetings was that Hamas leaders ‘accept him [Abbas] as head of the PLO and president of the Palestinian Authority and therefore spokesman for all Palestinians’, and are ‘prepared for unconditional talks with Fatah’ (2009, pp. 139–40). Accordingly, in November 2008, Hamas and Fatah resumed talks on a unity government after 21 months of deadlock, and in July 2009, Khaled Meshal explained that Hamas along with other Palestinian factions had ‘agreed upon accepting a Palestinian state on the 1967 lines’ (McCarthy, 2008; Solomon and Barnes-Decay, 2009). Additionally, after meeting Carter, Meshal agreed to honor a cease-fire limited to Gaza that would provide for the delivery of more supplies into the area. The cease-fire was initiated in June 2008 under Egyptian auspices and lasted for six months, decreasing violence noticeably (even if it never entirely ceased), and allowing for commerce to gain ground again (Kershner, 2008a; 2008b). Moreover, Hamas delivered a letter from Corporal Gilad Shalit to the
Carter Center’s office in Ramallah, placating Israel in a matter of great public concern (Khoury and Service, 2010). The recognition of Israel by all Palestinians, including by Hamas, would have been a possibility for negotiation and peace. However, this opportunity was not seized.

The deterioration of an opportunity

The efforts made in 2008 did not lead to an eventual signing of a peace treaty. Abbas remained non-committal regarding the Olmert peace proposal, questioning the benefit of continuing negotiations with an Israeli lame-duck prime minister as well as fearing the increased risk of dividing the Palestinian people permanently. In his mind, a peace agreement between Olmert and Abbas would not be sustainable if Abbas did not represent a unified Palestinian people. But negotiations for a Palestinian unity government had only just begun and were already overshadowed by Operation Cast Iron that Israel had begun in December 2008. Abbas still remained open to further negotiations with Israel on Olmert’s proposal but was looking for US leadership to mediate the remaining concerns. He accepted an invitation from then-Secretary of State Condoleezza Rice, sending the Palestinians’ longtime chief negotiator, Saeb Erakat, to Washington. However, Olmert failed to send his chief diplomatic aide, Shalom Turgeman, to the meeting. The Israeli operation in Gaza and the botched meeting in Washington left Palestinian leaders disgruntled and significantly set back any agreement with Israel.

Accordingly, the inclusion of Hamas into an agreement with Israel had altered the outcome of Olmert’s 2008 proposal significantly. On the one hand, the lack of Palestinian unity slowed down Abbas’ ability to agree to the proposal. On the other hand, the possibility of securing Hamas’ cooperation with the process by creating a Palestinian unity government was undermined by Israel’s offensive against Gaza and its seeming unwillingness to discuss the matter in Washington. By March 2009, the window of opportunity had closed. Benjamin Netanyahu was elected prime minister, and his stance particularly on the status of Jerusalem, the return of refugees, and the continuance of settlements closed the door to permanent status negotiations with the Palestinians.

Case study 2: Palestinian reconciliation and the breakdown of negotiations (2014)

In July 2013, after a three-year halt in the talks, Israel and the Palestinian National Authority restarted their dormant peace process after mediation by US Secretary of State John Kerry. As a sign of good faith prior to the
first rounds of negotiation, Israel approved the release of 104 Palestinian prisoners who were convicted of terrorist acts before the 1993 Oslo Accords and had been imprisoned in Israel since.  

The prisoners were to be released in four groups of 26 at set times during the planned nine-months-long negotiation process. In return, the Palestinian National Authority agreed to put a hold on its applications for recognition as a state with a number of international organizations. The set goal of the final status negotiations was the establishment of a Palestinian state alongside Israel with agreed-upon borders and security arrangements. In January 2014, this goal was revised to the development of a ‘framework agreement’ by the end of nine months and the continuation of talks thereafter.

Progress in the talks had deteriorated since November 2013, when Palestinian National Authority negotiators walked away from direct talks after repeated announcements by Israel that the 1967 borders would not be recognized, as well as ongoing and increasing settlement building by Israel. The Palestinian withdrawal limited the talks to shuttle mediation between the conflict parties by US mediators, but the negotiation process remained active. The issue of recognition gained increasing relevance on both sides after March 2014, when Netanyahu made the recognition of Israel as a Jewish state a requirement for peace. The recognition of Israel’s religious character would have considerable consequences for Palestinian refugees’ right to return to Israel as well as for the rights of Israel’s Palestinian minority.  

In light of this development, Palestinian National Authority President Abbas repeatedly insisted that he would not extend talks beyond the envisioned nine-month time frame, nor would he agree to any interim deals. This position led to a chain reaction and close to a complete breakdown of negotiations between Israel and the Palestinian National Authority. Initially, Israel announced the delay of the fourth release of Palestinians prisoners, which led Abbas to respond by unilaterally applying to additional international treaties and conventions. The focus of the negotiations had turned completely to the problem of how to maintain talks beyond the nine-month mark, when in late April Abbas announced a unity pact with Hamas and plans to establish a unity government within five weeks and to hold Palestinian parliamentary and presidential elections within six months. Abbas also assured Israel that any peace talks would take place under the auspices of the PLO, not the interim unity government (Booth and Gearan, 2014). Nonetheless, Israel immediately withdrew from the peace talks, refusing to negotiate with a government ‘backed by Hamas, a terrorist organization that calls for the destruction of Israel’, in the words of Netanyahu.
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(Booth and Gearan, 2014). Instead, Israel’s security cabinet extended economic sanctions from Hamas to the entire Palestinian National Authority. The situation collapsed into violence after the kidnapping and murder of three Israeli teenagers in the West Bank, leading to an Israeli ground invasion of Hamas-controlled Gaza, as Hamas was blamed for the attack (Rudoren and Kershner, 2014).

Conclusion: the mutual exclusiveness of active and passive recognition

Unity between the Palestinian factions, most prominently Fatah and Hamas, has long been expressed by the PLO to be a necessary condition for the creation of a Palestinian state (PLO Delegation to the United States, 2014). But Hamas, deemed a terrorist organization by Israel, the United States, and others, disputes the legitimacy of Israel as a state and engages in a violent struggle to establish an Islamic state in Israel. The inclusion of Hamas in a Palestinian unity government is, therefore, a red line for Israel in any negotiations. According to Netanyahu, the Palestinians can achieve either peace with Israel or reconciliation with Hamas but not both. ‘He [Abbas] must choose. [...] Does he want reconciliation with Hamas, or peace with Israel? He can have one but not both’, said Netanyahu (Abuhamda and Casey, 2014). At the same time, Abbas has assured leaders that his new government remains committed to the principles of non-violence, recognition of the state of Israel, and the adherence to any previous agreements (Heller, 2014). The cooperation between Hamas and Fatah does therefore imply an implicit recognition of Israel by Hamas. Moreover, Abbas has explained that his government would consist of technocrats and ministers without political affiliation, allowing the negotiations between the new Palestinian government and Israel to continue (Sawafta, 2014). While the US and several other countries have cautiously accepted the new Palestinian government, Israel has refused a continuation of talks and proceeded with its ground operation (Gearan, 2014).

While the negotiation opportunity between Israel and the Palestinian National Authority has not ended, the inclusion of Hamas in the current round of negotiations has presented a severe obstacle. Arguably, unity among the Palestinian factions would be an advantage to the establishment of a stable Palestinian state after a peace deal. Accordingly, in this setting, unity of Palestinians and recognition represent obstacles for the negotiations in several constellations. Non-recognition of Hamas implies the loss of unity among the Palestinians. This current emphasis on unity and recognition by the respective parties elementally undermines the
possibility of an agreement between Israel, the Palestinian National Authority under Fatah, and Hamas to the extent that Palestinian unity and recognition have become mutually exclusive in specific constellations.

One way of describing the dilemma of unity versus recognition is to differentiate between active and passive recognition. The conditions for active recognition by the Palestinians are different from the conditions for their passive recognition by Israel. Whether recognition or unity comes first depends on passive and active recognition. Fatah and Hamas cannot both negotiate effectively with Israel and recognize Israel without unity, and Israel cannot recognize the unity between Fatah and Hamas. The recognition of Israel by all Palestinians (active recognition by the Palestinians) has different conditions than the recognition of the Palestinians by Israel (passive recognition of the Palestinians).

When analyzing the Middle East conflict, it becomes apparent that the struggle for recognition reiterates the problem. This is the case because there is an inherent contradiction between active and passive recognition. For active recognition of Israel by all Palestinians, Palestinian unity is necessary. As the first case illustrated, Abbas could not agree to Olmert’s offer without support by Hamas. Only if Fatah and Hamas work together, does the recognition of Israel become a topic for all Palestinians and are negotiations possible and implementable. However, unity among Palestinians becomes an obstacle for the passive recognition of the Palestinians by Israel. As both cases illustrate, the Israelis do not tolerate a unity government that includes Hamas. Therewith Israel misses the chance of Hamas’ moderation. Hamas would have to come to terms with the recognition of Israel in a unity government that is recognized by Israel and that enters into negotiations. Currently, active and passive recognition of the Palestinians cannot be achieved simultaneously. Therefore mutual recognition cannot be achieved. Yet, mutual recognition is necessary to establish peace. Since reciprocity of recognition is currently impossible in the Middle East, the conflict can be depicted as an example of the dark sides of recognition.

Notes

1. For more on declaratory and constitutive theory, see, for example, Erman (2013).
2. Corruption charges raised against Olmert forced him to resign from office in July 2008. He remained acting prime minister until his Kadima party elected Benjamin Netanyahu as the new prime minister in March 2009.
3. Israel had initially agreed to release the 104 Palestinian prisoners in the Sharm el-Sheik agreement of 1999.
4. The Palestinian National Authority has recognized Israel’s legitimacy as a state in 1988 and in the 1993 Oslo Accords.
5. At the time of writing a cease-fire has been accepted by all parties (Erlanger and Hubbard, 2014).

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Part V

Concluding Reflections
When I started work at the British Foreign and Commonwealth Office (FCO) in 1969, it was in many ways a different world from today. It was considered a sign of unusual keenness to arrive in the office before ten; my work as a junior included carrying coal along the corridor to feed the open hearth, which was all that we had for heating; and we wrote important policy messages to each other by hand with pen and ink, while typists made copies with carbon paper. In the department dealing with German affairs, where I got my first job at the bottom of the hierarchy in the so-called ‘third room’, much of our work still involved the aftermath of the Second World War: property and compensation disputes, the imprisonment of Rudolf Heß and the whole system of military occupation of Germany by the three Western powers and the Soviet Union. The atmosphere was tense and exciting, and we could feel that the issues we dealt with were among the most important of the day for Britain’s own security. The Soviet blockade of Berlin was not far behind us, and we had still not negotiated the Quadripartite Agreement that brought some stability to the handling of day-to-day affairs in that isolated city.

It so happened that my own first diplomatic duties were entirely tied up with an issue of recognition: or rather, the UK’s non-recognition of the statehood of the German Democratic Republic (GDR). In common with all North Atlantic Treaty Organization (NATO) members we had recognized the Federal Republic of Germany (FRG), covering the British, French, and American occupation zones, as the successor state for the whole of German territory. There was thus no legal space for another German state to exist, and officially we continued to refer to the
self-styled GDR as ‘the Soviet zone’, while the geographical expression ‘East Germany’ was acceptable for everyday purposes. We could not of course entirely ignore the realities of a separate administration in the Eastern Länder. Thus, we allowed a GDR trade office to exist in London without diplomatic status, we supported British commercial delegations to visit the Leipzig trade fair, and we even extended export credit guarantees for sales made to East Germany. This was easier to reconcile with diplomatic non-recognition because the European Economic Community had agreed to include the East German territory in the Single Market, thus maintaining freedom for ‘inner-German’ trade across the line between the FRG and GDR.

On anything that would have implied recognition of the GDR as a separate state, however, the mandate for my job could be summed up as ‘Just Say No’. We had to impose convoluted procedures involving something called Temporary Travel Documents to allow travel to the West by residents of East Germany without putting our official stamps in their GDR passports. We spent a great deal of time trying to discourage developing countries from recognizing the GDR, while the GDR and its allies spent a lot of money on encouraging them to do so, rather like the game played between Taiwan and Beijing today. At every plenary meeting of a major inter-governmental organization from the International Monetary Fund to the Universal Postal Union, the GDR’s supporters would petition for it to be admitted, while we supplied our friends with detailed arguments opposing its eligibility, which in turn required careful study of each organization’s statutes and the way they treated statehood as a criterion. With its sense of a fast-moving global competition, this was quite an exciting as well as an educational job for a trainee diplomat.

The ground started to shift under our feet, however, when Willy Brandt was elected as the Federal German Chancellor in October 1969. He set an aim of normalizing relations with his Eastern counterparts, and soon made plain that he was willing to offer mutual recognition with the GDR as the price for peace, stability, and more cross-border cooperation. This so-called Ostpolitik was to lead remarkably fast to the Inner-German Basic Treaty of 1972, establishing the system of two German states that persisted for the rest of the Cold War and was eventually to dictate the form of the restoration of German unity – namely, a ‘4+2’ agreement between the four occupying powers plus two Germanies. What I found equally remarkable was the speed with which my FCO colleagues grasped which way the wind was blowing, and their willingness to think calmly about a complete reversal of our own position on the GDR’s status. It was partly that we did not want to get into a position of confronting...
a democratically elected German chancellor, or possibly of being left behind by other more flexible allies. We were also very interested in the possible peace benefits of Brandt's policy, given the exposed position of British troops in Berlin and on the inner-German frontier. And any move in the same direction could count on encouragement from the East German trade lobby.

In terms of longer-term strategy, however, one of the most telling arguments was that only by allowing the GDR to define its own version of German-ness, and to freely compare itself and communicate with its Western counterpart, could the superior benefits of democracy and freedom start to sink in for the wider GDR population so that the scene would be set for peaceful reunification in the longer term. The two halves had to draw further apart, as it were, to see each other more clearly and recognize what united them. Further, it was hoped that giving the GDR greater sovereignty in managing its own international affairs would gradually weaken the Soviet grip on its leaders’ thoughts and actions. Back in 1970, all this could easily seem over-optimistic, and at some intellectual level it might have been unduly coloured by the Hegelian/Marxist notion of thesis and antithesis leading to a synthesis: but it turned out to be a remarkably prescient diagnosis of what happened in the end.

In the process, I had a chance to learn very early in my career what every diplomat needs to know about recognition, in its formal and legal sense. First, I was firmly told that it was a matter for the FCO legal advisers and that no public statement should be made about it without consulting them. Aside from the concept itself being embedded in International Law, this reflected the fact that UK policy on recognition or non-recognition in specific cases was almost always tied up with specific treaties or their absence, such as the lack of a final peace treaty in the Korean War.

Moreover, this kind of formal, state-to-state recognition had very specific effects and consequences both in International Law and everyday diplomatic practice. However tortuous the motives and process leading to it, there was a moment when recognition either took place or it did not and concrete actions flowed from the fact. To name just the most obvious points, it opened – and still opens today – the way for the conduct of diplomatic relations, recognition of passports, recognition of a nation’s consular protection of its citizens, trading in a national currency, trading in state assets and debts, acceptance of state guarantees, the possibility of concluding binding inter-state agreements, the possibility of becoming party to inter-state conventions, of taking a seat in the United Nations, and of acceding to other inter-state organizations.
such as NATO or the Non-Aligned Movement. A further feature of such formal recognition was that, implying as it did the acknowledgement and potential development of a state-to-state relationship, it must be mutual in order to have any meaning. Problems of mutuality and the ticklish issue of ‘Who goes first?’ still loom large in some areas of today’s world, as seen notably in the story of Israel’s external relations.

The second thing that was stressed to me, however – also by the legal advisers themselves – was that ‘we recognize states not governments’. Thus we might recognize a state, while considering its present government to be illegitimate, hostile, and dangerous, and we could be friendly with a governing group, for example in a province that was striving for independence, without accepting that the entity in question had actually attained statehood. This was, in fact, just the beginning of many dimensions of flexibility that allowed the UK – where appropriate – to separate the simple fact of recognition, firstly from normative judgements, and secondly from the practical choices shaping our relations with any given partner. First of all came the distinction between recognition de facto and de jure, in which the former would imply that we recognized the existence of something with the practical attributes of a state and government, but reserved our position on some aspect of its legality or legitimacy, and implicitly kept the way open to recognize a different status of the given territory in future. As an example, many Western states recognized the inclusion of the three Baltic States in the Union of Soviet Socialist Republics (USSR) de facto but not de jure, while Britain withheld both kinds of recognition and continued to recognize the Baltic governments in exile as the representatives of three separate sovereign states.

At another, more practical level of flexibility we could choose not to exchange embassies with a state that we recognized, or to send only a lower-ranking person such as a minister or consul to head our representation, or withdraw the ambassador temporarily and leave a chargé d’affaires in control as a sign of displeasure, or completely break off diplomatic relations, and/or ask another country’s embassy to represent our interests. We could impose all kinds of sanctions and limitations on trade, transport, migration, and other kinds of interaction with the state concerned, including various levels of embargo. We could oppose its admission to organizations and conventions on grounds other than statehood. In an extreme case we might even support a rebel movement in trying to take over the territory or to seize independence for a particular part of it, or we could make war directly against the state, within a very precise legal framework laid down in the Geneva
Conventions and elsewhere. The very fact that inter-state war is regulated by inter-state legal agreements is something of a warning to any who would claim that legal recognition per se implies either normative approval or a constructed kinship.

Finally, the decision on recognition or non-recognition in this formal sense was never actually a monopoly of the legal advisers, nor would one expect it to be in a democracy in which elected ministers made policy. If strong political or strategic arguments arose for bending the doctrine of recognition in some specific respect or actually reversing policy, the government could and did decide to overrule legal objections or, more likely, to seek a re-interpretation of the original legal case. This was essentially what happened over Germany, where not just the United Kingdom but the two other Western occupying powers, the United States, and France, agreed to recognize the GDR as soon as the Inner-German Treaty of 1972 was in force and thereby also opened the way for the GDR to join the United Nations. Legal logic did, however, prevail to the extent that we still refused to recognize East Berlin as the capital of the GDR, insisting that nothing had changed in the postwar special status and quadripartite governance of that city.

I have gone into this story in detail because it reflects what a typical diplomat knows about recognition and its instrumentality in the international legal order, as well as its practical limitations. And because career diplomats are trained to be careful about wording, I suspect they would rather rarely be found using the term ‘recognition’ in those other, more subjective and constructive senses that modern theories and studies have been so richly exploring. Because I would like to discuss and distinguish both aspects from here on, I will suggest that formal diplomatic recognition could be thought of as recognition ‘for’ something – for defined purposes that have a predictable and standardized practical effect in the legal international order, while the other type of recognition is recognition ‘as’, namely perception of something specific in the identity of the thing recognized, which often (not always!) also implies a certain kinship with the recognizer and then has positive overtones.

This recognition ‘as something’ can take a variety of forms with varying consequences and outcomes, and can be defined in many spheres besides the legal or diplomatic. It can certainly mean recognition as a ‘friendly’ like-minded actor, or as a ‘respectable’ partner meeting certain norms, but in the world of power politics states can and do also recognize each other as worthy opponents, as dangerous competitors, as asymmetrical threats (‘rogue states’), or as weaker brethren suitable for bullying and blackmailing. More will be said about such ‘darker sides’ of recognition
later. As such views and judgements are subjective, informal, mutable, and not necessarily linked to any particular concrete interaction, this kind of ‘recognition as’ does not always have to be mutual.

It has been a widespread premise in research, including in the studies reflected in this book, that to understand the dynamics of recognition ‘for’ one should focus on those who are in a position to convey such recognition and at the price they demand for according it; while studies of recognition ‘as’ are more interested in the motives of the entity seeking recognition and its understanding (or misunderstanding) of the consequences. The latter approach, however, has its dangers if it becomes too one-sided and literal, as I will try to explain later.

Another theme of this whole volume, as defined by the editors at the outset, is to try to grasp more clearly the nature of each kind of recognition and hence – at least implicitly – the differences between them. With better definition of those differences comes also the possibility of properly studying the interplay between ‘recognition for’ and ‘recognition as’. In looking for precision, in turn, it is natural to reach out to other disciplines besides International Relations (IR) or Political Science in search of parallels and insights, especially any that may bring more scientific exactitude and help build generally applicable hypotheses. With ‘recognition for’, the natural intellectual partner is International Law, while studies of ‘recognition as’ can reach out to Psychology, Social Anthropology, and even Phenomenology among others.

The present author, being ignorant in all these theoretical fields and indeed in IR theory, has little choice in the rest of this chapter except to comment on the basis of personal experience and crude common sense – an approach that will at least be different, and at best complementary. On the one hand I will explore the complexities that attach to each type of recognition, trying to show that both are actually more ‘fuzzy’ than the theorists would wish, and on the other hand I will try to introduce some sense of evolution and interplay with the wider global environment, leading up to a few remarks about the future. Approaching research questions on recognition through specific case studies alone might risk ending up with too fragmented and static a vision unless we are prepared to apply another discipline – that of history – with due attention to the complex drivers of historical change, and with an awareness that history does not end with us.

First, I would argue that even the formal type of ‘recognition for’ is not such a fixed and clear-cut matter as it seems. I have already argued that it is a technical process and ultimately neutral in terms of the normative attitude of parties who exchange it, as they may hate each other and
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intend to restrain, damage, and even destroy each other within the framework of state-to-state relations. Further, I cannot agree with the thesis that this type of recognition is intrinsically bound to the Westphalian order of sovereign nation-states and thus an essentially early modern phenomenon. Recognition for purposes of structured interaction in a divided international space has been possible in some form or other ever since the first distinct political entities appeared: it was present in classical times when the Greeks, Romans, and Persians judged what was or was not a city-state, and what was or was not an imperial court, for purposes of sending embassies and heralds, making treaties, paying tribute, returning escaped slaves and traitors, and so forth. It continued to exist in the Middle Ages when kings and princes saw a clear distinction between going to war against another king or prince, and moving to eradicate a gang of rebels or bandits. A parallel religious system operated when, for instance, the Pope decided which local leader he should elevate in status by consecrating a bishop attached to his domain, or when secular leaders decided which pope to support at the time of the divided papacy.

Looked at this way, the change that the seventeenth century brought was to regularize in Europe – and then to spread more widely, through European colonization and de-colonization – a particular set of criteria and consequences for formal recognition of a particular type of statehood, which could also be more authoritatively enshrined than before in the newly self-conscious language of International Law. But Westphalia was not the start of history in this domain, any more than our own era is the end. What further evidence of evolution and change might we, then, find in the practice of the last couple of decades regarding ‘recognition for’?

Three examples may be noted of areas in which the understanding and instrumentality of formal recognition seems to be shifting. The first is in the realm of conflict and especially, internal conflict and other forms of unconventional violence such as genocide. There is nothing new about episodes of warfare leading to the recognition of new states: one need only think of the European peace settlement of 1918, or of the twentieth-century processes by which many former European colonies became independent and then sometime split up further, as in South Asia. Conversely, many of the new ex-Communist and ex-Soviet states that joined the United Nations (UN) after 1990 gained their independence after limited episodes of violence at the most. However, after the failed attempt in holding Former Yugoslavia together, Western states do seem to have moved towards a concept of what some call ‘remedial secession’:
namely recognizing – and even helping to create and preserve – formal statehood for areas and populations that have been abusively treated within their previous national frameworks, or that cannot be forced to go on living together without unacceptable levels of conflict. As these criteria are matters of partially normative judgement for the states that act upon them, this may result in cases in which we are back to a kind of competitive recognition between strategic camps, with Russia not sharing the widespread Western recognition of Kosovo, and few except Russia being willing to recognize Abkhazia and South Ossetia. As others in this volume point out, this is one source of a drift or confusion in recognition discourse that risks reducing whatever clarity and objectivity the formal notion of diplomatic recognition ever attained.

Reasons for this particular kind of flux can often be sought – in specific cases – at the level of not-so-new power politics. They also include the lack of a single universal authority that would lift decisions on recognition above the level of state differences: it is still the national opinions of states that matter, as shown recently by the drama of Palestine’s recognition at the UN as a non-member observer state. However, it is also worth considering here the ongoing evolution in accepted ideas of what a state is and what rights that designation does or does not convey. A new interpretation of the consequences of recognition, as well as the attribution of sovereignty, is implied for instance by the Responsibility to Protect (R2P) principle formally endorsed by the UN at its anniversary summit in 2005. This starts by stressing that any internationally recognized state has a duty to protect and respect its population, and it goes on to empower the international community to intervene in a state without its consent if the latter causes major suffering by failing in these duties.

Here we have an exceptionally clear statement of how formal recognition binds and obliges the party recognized, and of the right of the international majority to take action overriding sovereignty if the terms of the bargain inherent in recognition are broken. In cases in which this leads to the ‘remedial’ creation of new states, however, we often in practice see the international community keeping a high degree of control over the new entity as well: not only for purposes of aid and support but also to make sure it behaves properly. This has clearly been the case with periods of international administration in East Timor and Kosovo, while in a different context we may note UN Security Council Resolution 1483 of 22 May 2003 recognizing the temporary control of Iraq by US and UK occupying forces. In such cases an institution or group of interested states is using its power to ‘recognize’ a new or altered state entity
precisely in order to control and transform it – or to try to do so! – which among other things plays havoc with the original notion of reciprocity.

If the most obvious effect of this trend is to separate formal recognition from an entity’s real exercise of state sovereignty and control of its territory, another is to focus attention back on government formation and transition as the real key to how a state will be treated by the others having power over its destiny. The moment when international ‘occupiers’ can withdraw from a new or post-conflict state depends far more on the competence and attitude of the national government – particularly in relation to internal order, its international obligations, and relations with its neighbours – than on the formalities of state recognition. On the other hand there are increasingly frequent cases of political, social, or ethnic groups being accorded some key privileges of statehood, ranging from inclusion in international legal agreements to the supply of weapons, in circumstances in which they barely have the attributes of a government let alone those of a sovereign state in control of its territory. The most obvious current examples may be found in the ‘Arab Spring’ context, in which certain Western governments have used the specific language of ‘recognition’ in a way far removed from any traditional legal context to identify the group(s) that they would like to see succeed in an uprising against the government of the state in question. Just as with the post-conflict quasi-protectorates and cases of ‘supervised independence’ mentioned earlier, recognition is here being used to create facts on the ground, not to reflect them.

If these aspects taken together are further reducing and relativizing the meaning of traditional, formal ‘recognition for’, so also are two other trends that I must mention more briefly. The first is the rise of forms of inter-state organization, taken furthest in the European Union (EU), that modify national sovereignty and give the regional collective certain state-like powers, such as the ability to conclude treaties on trade and civil aviation. The effect is to reduce the relevance of external recognition of an individual member state, at least for certain well-defined purposes, and to transfer the issue of recognition or its functional equivalent in those fields to the level of the collective – which in turn raises the issue of recognition among collectives. The vocabulary of ‘recognition’ has actually not been much used by writers on NATO-EU or EU-UN relations, but it could produce intriguing results to try it out: my own students in Iceland have, for instance, produced good master’s theses asking why the Russian-created Collective Security Treaty Organization (CSTO) and Shanghai Cooperation Organization (SCO) have not been ‘recognized’ in this sense by the majority of other international groupings.
Secondly, just as the globalization process has undermined the competence of states to control directly some of the economic, security, and informational dynamics most crucial for their survival, it has made the functional equivalent of recognition among non-state actors, and of states by non-state actors, much more important. Businesses and banks make very precise judgements, along the lines of ‘recognition for’, about other businesses and banks with which they are willing to sign contracts, go into consortia, share resources and information, and so on. Whether a campaigning organization ‘recognizes’ a particular firm as being ethically and environmentally sound can make a huge difference to that company’s standing with investors and on the market generally. As for the importance of non-state actors recognizing states, the glaring example is the power of credit ratings agencies. During the Euro crisis we have seen the EU and its governments scrambling to deal with the damage done by such agencies’ changing their categorization of states like Greece and Spain, while in an intriguing way, the agencies themselves are testing the strength of reciprocal recognitions within the EU’s inter-state family – do other EU members recognize Greece as an equal and as a necessary member of the Eurozone, does Germany recognize the EU and its monetary union as vital enough to justify more sacrifices of money and principle? – and so on. Finally, the potential has always existed for non-state lobbies to affect states’ decisions even on the most formal kind of inter-state recognition. The role of the East German trade lobby vis-à-vis GDR recognition was mentioned in my opening pages, and today an NGO called Independent Diplomat has been working inter alia to gain recognition for entities like South Sudan and Somaliland – successfully in the former case.

At this point, however, we are close to the boundary between traditional and postmodern understandings of recognition, and it is time to look at least briefly at some challenges of the latter. Since the approach drawing upon social theory and focusing upon what I have called ‘recognition as’ is such a rapidly developing and diverse field of studies, it would be unfair as well as clichéd to dwell on the elements of confusion. Two general problems seem worth noting, however, beyond those mentioned at the outset by our editors and developed by other contributors. The first is that the excitement of a new approach may create a risk of stretching this more subjective and constructive usage of the word recognition to cover just about everything – or everything researchers are interested in! – in the international sphere. One might see a parallel here with the danger of excessive ‘securitization’ as defined by the Copenhagen School, namely putting a ‘security’ label on everything
to the point where the security agenda itself becomes unmanageable and other important policy and normative considerations are crowded out. Even if it is hard to see equally sinister real-life consequences from indulgence in excessive ‘recognition’, widening the concept too far could certainly make disciplined academic treatment more difficult.

Secondly, as with constructivist analysis in general, one should be careful not to assume that such a new and fruitful perspective necessarily provides access to something more true and fundamental, like a Marxist infrastructure that drives the surface phenomena of political life. To this author at least, it seems that an instinctive or affective act of recognition is something that happens near the surface of international interactions – however ‘deep’ its roots may be in the subjective realm – precisely because it depends on perceptions, which in turn either rest on externalities or on possibly misplaced interpretations and assumptions. Perhaps more fairly, one might describe the explanations from such analysis as lying in a parallel dimension to what is normally studied in international politics. As such they can tell us about motivation, but not necessarily about causation; about behaviour and discourse, but not necessarily about identity.

If that last point demands further justification, I may start with something hard to contradict: states, and indeed other international actors, do not necessarily want to be recognized for what they really are – even if they have a clear answer to that themselves, which is often lacking! Good analyses have been made of cases in which states want to seem more powerful, well-behaved, or harmless than they actually are; or to maintain the trappings of former strengths and virtues they have already lost; or to claim fellowship with a group to which they belong only partially if at all and whose rules they do not necessarily want to follow. A special example of the last case concerns states wishing to join an organization like the EU, which try to project in advance the idealized group identity that they can actually only hope to attain through and after integration. Sometimes this is the first stage in an actual, true transformation, underlining that any kind of recognition may demand a price, which in this case goes as far as lasting identity change: a paradox rather like Albert Einstein’s observer effect in physics. Sometimes, however, the state does not will the full transformation, or even fails to grasp its nature and the necessity for it: a diagnosis that has often been applied to the challenges of EU accession for Turkey and for Ukraine, respectively.

It gets more complicated than this, however, as a state may be driven both by its interests and Psychology to seek a kind of negative recognition: for its weakness and suffering that merit free international
support, or as an enemy too reckless and dangerous to meddle with, a rebel and martyr seeking the approval of a non-conformist minority, or a pioneer trying out models for some quite different kind of world. Thus the manipulation of recognition dynamics for ‘darker’ purposes can be a bottom-up as well as a top-down process. Further, it is almost the norm rather than the exception for states and institutions to play with different aspects of their real or assumed identities that they want to be recognized by different audiences. Consider Sweden’s wanting to be seen as the champion of peace par excellence but also as an excellent source for advanced weaponry; as a harmless small state but also as the natural leader of its region. Consider China posing as a large power that can form a kind of Group of 2 (G2) with the United States and exercise natural hegemony in East Asia on the one hand, but as a still emerging and non-threatening state for other purposes, and as the champion of the developing world for other purposes again.

At an institutional level we have the EU with its civilian and military, aid-giving and protectionist, humanitarian and ‘fortress Europe’ profiles; and NATO trying to kill Taliban and feed Afghan orphans, and defend Europe against Russia and build common missile defences with Russia at the same time. These cases are so common that they must surely reflect something more deeply rooted than just the instrumental projection of constructed identities, and they are so persistent that they must have a certain functionality in today’s international system. Most obviously, they help states and institutions deal with their own internal diversity, and give them hope of turning their multiple personalities into strength rather than a weakness by becoming ‘all things to all men’. We could also see plural identities as a natural byproduct of a globalizing environment, in which important transactions take place simultaneously at supra-state, state, and sub-state level, and in which a single government may have not just a different power role but a different profile of competences and interests at each of these levels. However, the new flexibility for self-definition in search of recognition does have its limits. Whether the United States seeks to display its military toughness or its high ideals, and whether or not the incoming president proclaims a doctrine contradicting the last one, other players will listen and often align themselves with the latest message not for its merits, but simply because this country will always be recognized as big.

Of course, the United States is in some ways not looking as big as it used to, and this brings me to the promised remarks about the future. As we move toward a more multi-polar world in which the poles will also be more diverse, ranging from four very large states to collectively
organized continents and other regions that will be important because of their dysfunctionality, we must prepare to say goodbye to any comfortable Western assumption that ‘we’ control the processes of formal recognition, or that we alone can define the purposes and effects for which this kind of recognition takes place. The recent years in which democratic states have been able to make new experiments with the meaning of statehood and the linkage of state and government, notably in connection with the Responsibility to Protect, have almost certainly given a false (or at least transient) signal in this respect – if only because our capacities and courage for the necessary interventions seem to be reaching their limits. Among other things this should warn us to be cautious about seeing ‘structural’ explanations for recognition behaviour and contrasting these with actor-led processes: there is no independent, permanent ‘structure’ in global politics, and such elements of order or regularity as exist are all actor-created at some level. If we turn to ‘recognition as’, the ways in which states and other actors want to be recognized and the actors who are in a position to grant recognition will continue to multiply and diversify, while the kind of multiple-personality profiles that I have just been describing will surely become more common everywhere.

In this perspective, while both ‘recognition for’ and ‘recognition as’ will go through further changes, every kind of logic points to trying to make the distinction between them clearer, rather than the reverse. To give a simple example: for combating current global challenges like terrorism, proliferation, climate change, or pandemics, we need to be able to communicate and agree upon common approaches with as many states as possible. We have an interest in underlining their formal recognition as states precisely in order to underline their responsibility to carry out the necessary state-like actions, whether that means legislating for carbon emission limits or prosecuting terrorists or enforcing export controls at their borders. But these nearly 200 states and governments will vary much more widely than ever before both in their practical circumstances, including their real capacity for self-governance, and in the degree of real kinship or common purpose that we subjectively recognize with them. An option for formal and non-normative, as it were ‘cold’, recognition would seem more important than ever for managing these relationships and, in broader terms, for allowing a multi-polar world to achieve any degree of concerted action at all. I am reminded here that one of the first voices in favour of recognizing the GDR in 1969 came from a diplomatic colleague who knew nothing of the German situation, but who argued that it was not in the United
Kingdom’s interests to allow any country with airlines and airports, however bad or wrong it might be in other ways, to stay out of the newly negotiated convention against hijacking.

The factors affecting the future of recognition in the real world are, however, now so manifold that I am not sure whether it is even realistic to think of ourselves – here in Western Europe – as having any choice in the matter. If we do, my own suggestion would be that the best hope of a reasonably orderly global system is to de-link ‘recognition for’ from ‘recognition as’, and accept that the latter is going to be a field of growing diversity and competition. Our own values will be most competitive if we can bind ourselves even more closely to those partners whom we recognize as true kindred, but keep an open mind about forming purpose-built alignments with others who match more specific facets of our identity and interests. Meanwhile we should do our best to preserve a system of ‘recognition for’ that is as precise in its limitations, as practical and as value neutral as possible, both to safeguard our own flexibility and to improve its chances of acceptance by whoever is going to lead on the world stage in future. If this sounds too much like a pragmatic compromise coloured by my own diplomatic background, I would hasten to add that academic research should be free to explore any other hypothesis and to make any other judgement that it wants, on any aspect of this truly fascinating topic!
Recognition of recognition’s importance has only come recently, and belatedly, to International Relations (IR) theory. The concept has been around for two centuries. G. W. F. Hegel had associated recognition and reciprocity among individuals in *System of Ethical Life* (Hegel, [1802–3] 1979, p. 111), held that *Herr* and *Knecht* (lord and servant, master and slave) ‘recognize themselves as mutually recognizing one another’ in *Phenomenology of Spirit*, §184 (Hegel, [1807] 1977, p. 112), and argued in *Philosophy of Right*, §331 (Hegel, [1821] 1992, p. 367) that states have an ‘absolute entitlement’ to be recognized by other states. By that time states had engaged in express acts of recognition for several years as Spain’s American colonies achieved independence. Contrary to Hegel, Henry Wheaton (1836) declared in his *Elements of International Law* – the leading treatise of its time – that the recognition of a newly independent state’s sovereignty was, for other states, ‘a question of prudence and policy only’ (Wheaton, 1836, p. 98; also 1866, p. 40).

This fundamental disagreement over any state’s right to be recognized as a state is recognizable in the twentieth-century discussion of recognition as declaratory (Hegel’s position: states declare what right bestows) or constitutive (Wheaton’s position: states bestow right by enactment). At bottom, this disagreement on recognition plays out a great struggle over law in Western thought: is it natural, and therefore discoverable by reason, or is it positive, and therefore whatever people make it to be? This large question dropped out of political theory insofar as it applies to the mutual recognition of individuals. There is an obvious reason. Hegel had put recognition on the table, but he had done so in terms that Anglo-American rights theorists, and political theorists in general, could not relate to.
Recognition in theory

Briefly, at risk of caricature, here’s why. Immanuel Kant held in the first *Critique*, A491/B519, that ‘all objects of any experience possible [...] are nothing but appearances’, and therefore ‘have no independent existence outside our thoughts’ (Kant, 1965, p. 439). The Greek term for appearances is *phainomena*; the study of how things appear to us began to be called *phenomenology* earlier in the eighteenth century. Kant’s philosophical project took phenomenology as far as it could go from an objective or third-person point of view. Only empirical questions about human cognitive faculties remained for consideration. On Hegel’s exceedingly abstruse account, one could only experience the world subjectively, from within one’s self, and yet still come to appreciate whatever it is (*Geist*, spirit) that lies beyond appearances. As the (objective) study of the experience of being (subjectively) conscious of appearances, phenomenology only came into its own in the twentieth century. For this we must thank such philosophers as Edmund Husserl, Martin Heidegger, and Maurice Merleau-Ponty, none of whom relied very much on Hegel.

Phenomenology has never escaped the question that plagued Hegel in *Phenomenology of Spirit* and defeated him in *Philosophy of Right*: how to establish an objective relation among multiple subjectivities. In *Cartesian Meditations*, §55, Husserl simply stipulated that intersubjectivity is a natural condition (Husserl, [1931] 1960, pp. 120–8). The term *intersubjectivity* is deployed today as a primitive term and obvious, if evasive, solution to the problem of multiple subjectivities. When political theorists such as Alexandre Kojève (1969; in French, 1934) finally gave Hegel’s *Phenomenology* its due, they directed attention to the relation of lord and servant, but managed not to slip into phenomenological jargon about intersubjectivity. In this literature, Charles Taylor’s *Hegel* (1975) stands out. This massive book offers a glimmer of Taylor’s interest in identity and its relation to the modern condition – an interest explored at even greater length in *Sources of the Self* (Taylor, 1989).

Political theorists (re)discovered recognition in the 1990s (but see Walzer, 1983, ch. 11, for an important precursor). We can hardly be surprised that Taylor was a leading figure, or that his ‘Politics of Recognition’ (in Gutmann, 1992; more accessible as Taylor, 1994) recapitulates ‘the famous dialectic of the master and the slave’ (Taylor, 1994, p. 26). While Taylor alludes to ‘the massive subjective turn of modern culture’ (p. 28), his stance is objectivist (pp. 69–70); nothing is said of
intersubjectivity. The context for Taylor’s extraordinarily influential essay is multiculturalism, a topic of great concern after the Cold War, not least in Taylor’s Canada. In that context he held the connection between recognition and identity to be a ‘modern preoccupation’ that has given rise to ‘a politics of difference’ (pp. 26, 38).

For Taylor, identity, in the sense of ‘an individualized identity, one that is particular to me, and that I discover in myself’, is a late eighteenth-century innovation (p. 28, emphasis in original). At the same time, ‘the modern notion of dignity’ displaced ‘the traditional conception of honor’. Modern dignity is ‘based on the idea that all humans are equally worthy of respect’ and has given rise to ‘a politics of universalism’ (pp. 45, 27, 41, 37). Here Taylor adopted Kant's familiar definition of dignity (Würde) in the *Groundwork* as ‘inner worth’ (Kant, 1998, p. 42; Taylor, 1994, p. 41). To anticipate a point about which I will have more to say, it is misleading to dissociate dignity and respect from status ordering in premodern Western societies or to assume that status and thus honor no longer matter (Lebow, 2008, pp. 96–113; Onuf, 1989, pp. 270–83; 1998; 2013; Wolf, 2011, pp. 114–16). Nevertheless, something revolutionary did take place in the so-called ‘age of revolutions’, and Taylor was right to emphasize individualized identity and equal respect as correlative innovations and conjoined harbingers of modernity’s arrival.

Taylor was not alone in bringing recognition renewed attention and – should I say? – respect. A generation younger than Taylor, Axel Honneth quickly established himself as a leading figure with the publication of *The Struggle for Recognition* (1995). This ambitious book centers on ‘the normative claims that are structurally inherent in relations of mutual recognition’ (p. 2). As its subtitle indicates, Honneth’s project is to elucidate ‘the moral grammar of social conflicts’. While Taylor’s essay also engages in normative theorizing, it does so less directly, for example, by alluding to our ‘moral feelings’ (Gutmann, 1992, p. 28).

Like Taylor and just about everyone else, Honneth went back to Hegel’s ‘struggle among subjects for the mutual recognition of their identity’ (Honneth, 1995, p. 5). Unlike them, he viewed ‘the dialectic of lordship and bondage’, which Hegel so memorably analyzed in the *Phenomenology*, as a giant step away from ‘the construction of the social world’ that Hegel had portrayed in earlier writings. ‘The *Phenomenology of Spirit* allots to the struggle for recognition – once the moral force that drove the process of Spirit’s socialization through each of its stages – the sole function of self-consciousness’ (Honneth, 1995, p. 62). In short, Hegel had slipped into the subjectivist swamp from which, in Honneth’s
view, he never returned and which, in my view, he effectively left behind in *Philosophy of Right*.

On Honneth’s account, Hegel was ‘bound by the presuppositions of the metaphysical tradition’, just as Kant was. Thus was Hegel prevented from ‘viewing intersubjective relationships as empirical events in the social world’ (Honneth, 1995, p. 68). And this is where Honneth proposed to begin his ‘moral grammar’. To do so, he needed to update what he took to have been Hegel’s metaphysically framed conception of intersubjectivity – the conception Hegel dropped in favor of self-consciousness in the *Phenomenology*.

Nowhere is the idea that human subjects owe their identity to the experience of intersubjective recognition more thoroughly developed on the basis of naturalistic presuppositions than in the Social Psychology of George Herbert Mead. Even today, his writings contain the most suitable means for reconstructing the intersubjectivist intuitions of the young Hegel within a post metaphysical framework (Honneth, 1995, p. 71).

Never mind that Mead, Husserl’s contemporary, never used the term intersubjective or its cognates in *Mind, Self, and Society*, that Mead, a pragmatist, ignored Hegel, or that Mead, never having read Erik Erikson’s *Childhood and Society* (1960), had almost nothing to say about identity – one of Honneth’s large concerns, which he inappropriately claimed to have been Mead’s as well (Honneth, 1995, p. 76). Never mind that Mead, much influenced by behaviorist Psychology, generally applied the term recognition to the way we universalize repetitive stimuli: ‘Recognition always implies a something that can be discovered in an indefinite number of objects’ (Mead, 1934, p. 84).

Mead’s analysis of an ‘I’ who, as subject, recognizes others as objects of a kind, and the ‘me’ who recognizes myself as the object of others’ recognition appears to have a Hegelian flavor. On examination it does not. It merely specifies the behaviorist sense of recognition in human relations. There is no mutuality or reciprocity implied. When Mead did say that ‘[t]here is always a mutual relationship of the individual and the community in which the individual lives’ (p. 215), we see no intimation of recognition as a process in which individuals make themselves equals. The community is the ‘generalized other’, an ‘organized group of responses’ (pp. 154, 194). That we belong to the community, within which we assert ‘our differences from other persons’, is the source of our self-respect (pp. 204–5).

All this said, Mead’s discussion of I, me, and others has had an enormous impact on recent scholarship. No wonder Honneth saw Mead as
the next step. My own skepticism should be obvious. Talk of intersubjectivity adds nothing, talk of identity is distracting. Mead’s behaviorism does not take us even as far as Hegel had gone in the *Phenomenology*. Recognition’s relation to respect is even harder to trace.

**Respect in perspective**

For Mead, respect was of little interest except insofar as he thought that its conferral is a community function. For Taylor, as we saw earlier, the demand for equal respect is an important feature of the politics of recognition. For Honneth, respect has been an abiding concern. Perhaps I should say *disrespect* – the moral significance of respect denied or withheld, of respect disrespected.

One might think that Honneth’s concern for respect is indebted to Hegel (e.g. Honneth, 1995, p. 53). Rather, he imputed such a concern to Hegel, who, at least in his early writing and the *Phenomenology*, seems to have said very little about respect. *Philosophy of Right* is a different matter. §36 declares, ‘Personality contains in general the capacity for right [...]. The commandment of right is therefore: *be a person and respect others as persons*’ (Hegel, 1992, p. 69, emphasis in translation). As Taylor pointed out, the connection between recognition, respect, and right (law, rights) goes back, beyond Hegel, to Kant. Honneth also gave credit to Kant for ‘the concept of moral respect: that to recognize every other human being as a person must then be to act, with regard to all of them, in the manner to which we are morally obligated by the features of a person’ (1995, p. 112).

Honneth’s emphasis on Kantian respect follows from his sense, as it was Taylor’s, that Kant wrote at an epochal moment, when prevailing status arrangements gave way to lawful rights and reciprocally accepted roles for the many people whose statuses had previously excluded them from political participation and much else in social life. The move to rights was only possible after the universal principle of natural human equality had finally displaced accounts of natural law supporting traditional status arrangements and differentiated signs of respect. Samuel Pufendorf had articulated this principle with particular force in his great treatise, *De jure naturae et gentium*, published in 1672: ‘[I]t follows as a Command of the Law of Nature, *that every man should treat and esteem another as one who is naturally his Equal*’ (2005, p. 224, emphasis in translation). A century later the Declaration of Independence and the Declaration of the Rights of Man affirmed the principle of natural equality and the inference that
individual human beings could insist on their autonomy, liberty, or freedom as a matter of right. Of course, many people fiercely resisted the principle of natural equality and continue to do so. Traditional status ordering is to be found in every society, whatever principles its members profess to live by.

As Pufendorf was first to demonstrate (2005, p. 226; also Onuf and Onuf, 2006, pp. 72–4), acting on one’s right implies a corresponding duty not to interfere when others exercise that same right. Pair by pair, all such acts look like exchange, or contracts executed on the spot, or indeed moments of mutual recognition. In aggregate they constitute a generalized condition of reciprocity. We exercise our rights and duties as, and only as, equals under law – whether it is natural law as a moral regime or the positive rules of an established legal regime.

In principle, we are all members of the same status cohort, a club from which, normatively speaking, no one can be excluded. In practice, we freely choose to associate with some of our equals but not others. We are free to say no. In choosing whom to associate with, for whatever reasons, we create a club from which some others are effectively excluded. We may not see that we have done this, and the association we form may be exceedingly informal and fluid. Nevertheless, we often enough do say that our multiple, freely chosen associations make us uniquely the individuals we see ourselves being, that they give us our identities, that they instantiate the recognition we all need, that they translate the esteem of others (Pufendorf’s concern, expressed above) into self-esteem (one of Honneth’s main concerns; 1995, pp. 121–30). When denied our individuality or identities or need for recognition or self-esteem, we find others with the same grievances and engage in the ‘politics of difference’ – an often subtle politics of granting and withholding respect.

Such a politics of respect plays on exclusion as an ineliminable feature of the clubs that we choose to form among ourselves. By definition, every club has members and therefore membership rules, however permissive; exclusion need not, but might, be deliberate. Membership confers status not available to anyone not a member. Status denotes position in a status order. Difference is never neutral – affectively or normatively.

In short, the principle of equal respect does not abolish differentiated respect. It constitutes a new framework in which respect is presumably not fixed by the framework itself. We earn respect through the choices we make and the clubs we join; other people join other clubs according them different degrees and tokens of respect. Insofar, as the old regime
persists, modern and traditional forms of differentiated respect will sometimes offset each other, but often not. The politics of universalism and of difference converge. The principle of equal respect fosters a proliferation of acts of inclusion, and therefore of recognition, not to mention acts of exclusion. All such acts eventuate in an even greater proliferation of shades of respect.

Respect is something we feel in the first instance, and not, as Reinhard Wolf has pointed out (2011, pp. 106–7), an act as such. Every transaction between equals enacts their mutual recognition and elicits some, usually very small measure of (dis)respect, which if subsequently acted on, has a constitutive effect (Onuf, 1989, ch. 1; 1994; on recognition in particular Onuf, 2005). Some few transactions are more substantial in their constitutive effect. They initiate a condition or state of recognition such that individuals are empowered to act as equals and thus constituted as agents.

Given the principle of natural equality, we come into the world (whether, by law, at conception, birth, or some point in-between) equipped with rights, even if others, as agents, exercise those rights on our behalf. With age, experience, and the presumption of competence, we exercise our rights and duties for ourselves. Events such as birthdays or rites of passage often mark stages in the recognition of an individual’s agency. The act of forming or joining clubs provides an occasion for the recognition of agency having been conferred within the club. Sometimes we believe our rights have been denied and, as agents, we pursue means of redress. However important these transactions are as constitutive events, they are a tiny proportion of the enormous volume of transactions that make up our daily lives. In ordinary language, we recognize this when we use the term recognition as I just have – to indicate acknowledgment: I recognize other people, by name, by face, by deed, because that is how I know them (Markell, 2003, pp. 39–43). This is Mead’s behaviorist sense of recognition applied, in principle, to humankind.

Corporate bodies

Throughout this discussion, I have taken for granted that the principle of natural equality applies only to human beings. Yet the genealogy of this principle shows it to have been worked out by reference to personality – ‘moral persons’, as Pufendorf called them, and not just natural persons (2005, p. 7). In US law, ‘the words “person” and “whoever” include corporations, companies, associations, firms, partnerships,
societies, and joint stock companies, as well as individuals’ (US Code, vol. 1, § 1). Positive law may indeed discriminate among these many kinds of persons for any number of reasons without depriving them of their natural rights (as Pufendorf concluded more than three centuries ago) or constitutional rights (as in the United States today).

That some ‘persons’ are social entities endowed with ‘collective identity’ is not as unproblematic as Honneth has said it is. In his opinion, ‘there has never been any problem with speaking of a “politics of recognition” when it comes to the struggles of minorities for legal respect and social recognition for their collective identity’ (2012, p. 139). In my opinion, there is a problem, but one associated with the concept of identity, not the concept of a social collectivity. I am happy to concede that such collectivities, as moral persons, are endowed with agency, which only natural persons can enact on collectivities’ behalf. Agents act to achieve some end, whether their own or some other person’s. Indeed, we see disrespect for minority groups as a motive for its members, or indeed any moral person, to engage in the politics of recognition.

Honneth has been reluctant to credit nation-states with the same moral standing that he accords other collectivities because ‘we can no longer speak of collective identity’ (2012, p. 140). Yet we can certainly speak of the state as ‘a corporate body stronger than any other body’ because of the powers concentrated in such a body through, in Pufendorf’s words, ‘a union of wills’ (1991, p. 136). Pufendorf’s formulation of the principle of natural equality depends on moral agency, not collective identity.

While Pufendorf understood supreme power as operating within a nation (civitas, commonwealth) and not a property of nations making them sovereign states (1991, p. 139; 2005, p. 757), it nevertheless follows from his stance on moral persons and natural equality that states are autonomous, rights-bearing equals in their relations, that states confirm their sovereign status by treating each other as sovereign. It remained for Emer de Vattel to say this in his extraordinarily influential treatise, Le droit de gens, first appearing in 1758. At the very start (Preliminaries, §§ 1–2), Vattel stipulated Pufendorf’s frame of reference:

Nations or states are bodies politic, societies of men united together for the purpose of promoting their mutual safety and advantage by the joint efforts of their combined strength. Such a society has her affairs and her interests; she deliberates and takes resolutions in common; thus becoming a moral person, who possesses an understanding and a will peculiar to herself, and is susceptible of obligations and rights. (2008, p. 67)
We soon come to a passage (Preliminaries, § 18) so clear and forceful as to make the implications of Pufendorf's stance on natural equality seem obvious in retrospect:

Since men are naturally equal, and a perfect equality prevails in their rights and obligations, as equally proceeding from nature, – nations composed of men, and considered as so many free persons living together in the state of nature, are naturally equal, and inherit from nature the same obligations and rights. Power or weakness does not in this respect produce any difference. A dwarf is as much a man as a giant; a small republic is no less a sovereign state than the most powerful kingdom. (p. 75)

It also follows from Pufendorf's stance on natural equality that agents holding supreme power – sovereigns – conduct those relations on behalf of the natural persons for whose defense and well-being they are responsible. Vattel said just this in a less familiar but no less forceful passage of his treatise (I, iv, §40):

The sovereign, or conductor of the state, thus becoming the depository of the obligations and rights relative to government, in him is found the moral person, who, without absolutely ceasing to exist in the nation, acts thenceforward only in him and by him. Such is the origin of the representative character attributed to the sovereign. He represents the nation in all the affairs in which he may happen to be engaged as a sovereign. (p. 99)

With Vattel, the normative architecture, indeed the mighty frame, of the modern world is largely in place. Societies constituted as nations by free and equal persons are themselves free and equal. Rights and duties operate at two levels. When states acknowledge their equality as sovereign entities, they create the conditions under which natural persons, not to mention other moral persons, may exercise their natural or constitutional rights within their nations.

In Vattel’s time, the process whereby societies constituted themselves as nations was still purely notional – an inference authorized by natural law. In contrast, the constitution of international society was a historical process, rationalized as natural law but manifest in state behavior and positive law. This transformative process was already underway when Pufendorf wrote in the in the 1670s and substantially complete by the time Vattel wrote in the 1750s. Anticipating Kant, Vattel even insisted
on the importance of respect and dignity in the relations of states as moral persons and the relations of sovereigns as agents (II, iii, § 35):

Every nation, every sovereign and independent state, deserves consideration and respect, because it makes an immediate figure in the grand society of the human race, is independent of all earthly power, and is an assemblage of a great number of men, which is, doubtless, more considerable than any individual. [...] Nations and sovereigns are therefore under an obligation, and at the same time have a right, to maintain their dignity, and to cause it to be respected, as being of the utmost importance to their safety and tranquility. (2008, p. 281)

Vattel had no need to speak of recognition as an express act because nations engaged in diplomatic relations had already effectively recognized each other as equals, while the courtesies afforded diplomats and the rituals of presenting credentials reflected the requirements of differentiated respect and sovereign dignity. Only when Britain’s North American colonies declared themselves to constitute an independent state did other states engage in ‘overt gestures’ (Brad Roth’s well-chosen words) tantamount to recognition, thereby confirming what the colonies had declared in 1776. Only with the collapse of Spain’s empire in the New World, three decades later, did formal acts of recognition expedite and rationalize membership in international society as an exclusive club. Only then did recognition move to the foreground in international legal doctrine as a constitutive act in its own right.

Long before recognition took modern form as a membership procedure, the great powers belonged to a club within the club. Every alliance is a club among nominal equals, even if differences in status and capabilities dominate the relations of members. Wars recognized as such grant enemies the rights and duties of club members.

**Recognition and respect**

People routinely speak of recognition as an event with no discernible constitutive effect: when I recognize my brother in a crowd, or the foreign minister of Belgium recognizes Morocco on a map, nothing changes. Conversely, most people do not use the language of recognition for routine transactions among equals. Diplomats do not, as Alyson Bailes’ contribution to this volume so effectively illustrates. That anyone could (and I do) poses a problem. The problem is not conceptual in the first instance – every transaction has some constitutive effect, however
small. The practical problem is the sheer number of acts to which the language of recognition could be applied.

Almost nothing that we call international relations is excluded, be they acts of friendship, rivalry, or enmity. To this incalculably large number must be added the many acts not involving pairs of club members but bearing on club membership, such as pleas for the recognition of Palestinian statehood. Compounding the problem are asymmetries in relations, such as between great powers and other states or within what we typically call a state’s sphere of influence. Paradoxically, some relations among states constitute conditions of enduring inequality even as they reaffirm their mutual recognition as equals.

The obvious solution to the general problem is to restrict the language of recognition to those rare acts whereby states engage in formal acts of recognition (of states, governments, insurgency), such as to initiate reciprocity and extend club membership. International lawyers and foreign ministries already honor this restriction. For this reason, they have no problem talking about recognition. A less obvious solution is to extend the language of recognition to those somewhat more frequent acts among states – and claimant-states – that demonstrably bear on the respect that agents express for each other and the corporate bodies for which they act.

While shifting emphasis to respect may seem like a solution to the difficulties introduced by talk of recognition, it is not an easy one to carry out. As I have already said, respect comes in many shades and at least two distinct colors: equal, universal respect, and respect for differences. Recall that respect is a subjective state – it is something one feels. We see (dis)respect as expressed in often fleeting emotional displays (indignation, admiration), for which the language of recognition is generally ill-suited. We also see more durable status-markers, of which formal recognition is perhaps the most consequential, substantiating and distributing respect.

Every social setting has its own status-order and thus a distinctive ensemble of rules functioning as status-markers. For all the importance of formal recognition in constituting international society, there are a great many other rules of varying formality and effectiveness to be considered in discriminating shades of respect among states and their agents. Much as I endorse any effort to document status-ordering, I am not persuaded that the language of recognition takes us very far in this direction. Either it is too restrictive, as in the lawyer’s formal recognition of equality, or it is too inclusive, as in Mead’s behaviorist sense of recognition.
The editors of this volume are committed to the latter conception. Consider the first sentence of their introductory chapter: “‘Recognition’, and its negative counterpart of ‘misrecognition’, is relevant wherever people or their collective organizations interact – or fail to interact’. Such a stance encourages a commendable move to empirical studies, which, in this volume, are both wide ranging and illuminating. Several of these studies deal with issues of status and respect. That their authors do so without urging from the editors merely confirms what I take to be the close association between acts of recognition and shades of respect.

The editors also say that recognition in international relations can never be all-inclusive and unconditional. Rather, the inclusion of some actors or practices is related to the exclusion of other actors or practices. This is what social differentiation means: the institutionalization of equality and difference, that is, the institutionalization of conflict.

Empirically speaking, every act of recognition has some effect on actors, perhaps manifest in feelings of (dis)respect. Most such effects are fleeting, and therefore need not be taken into consideration. But some acts do have lasting effects when considered in affective, behavioral, normative, or constitutive terms. The editors use the term institutionalization to pick out acts to which they would direct attention, on the reasonable assumption that institutionalization assures or produces lasting effects, some of them benign, some ‘dark’.

Given the empirical thrust of the volume, I cannot fault the editors for what they do not go on to say about institutionalization. If I were to suggest that we need a framework for classifying acts of recognition, and that their intriguing remarks about institutionalization beg for such a framework, they would no doubt reply that a framework could emerge from the one or several of the volume’s empirical studies. This is, after all, how induction works. And they could point to the chapter that Janusz Biene and Christopher Daase contribute to this volume as an illustration.

This chapter is devoted to situations in which non-state actors seek recognition and meet forcible resistance. Biene and Daase conceptualize recognition as ‘gradual acknowledgment’. ‘Graduated reciprocity’ would better describe the four degrees or levels of engagement that they identify: recognition of a non-state actor as a party to the conflict, as a participant in informal talks, as a participant in formal talks, and as the legitimate voice of a people. The four rungs in their ‘ladder of recognition’ are substantively plausible for many situations in which equal respect is demanded; the ladder reserves the language of informal
recognition for those acts that mark significant shifts in the way agents treat each other.

The ladder metaphor offers an implicit conceptual framework. It emerges from a case study of Fatah, the details of which strongly suggest that ascending the ladder ‘enables the non-state actor to descend the ladder of violence’. While Biene and Daase do not say so, it also suggests that the desire for respect motivated Fatah at every step, even as changing circumstances altered strategic choices. The rungs on the ladder and the ladder itself are lasting effects of acts of recognition (institutions), in turn making it that much easier for us (agents, observers) to recognize subsequent acts of recognition for what they are – acts with lasting effects.

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