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Selective Universalism as a Structural Property of the Liberal International Order

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Abstract

This article explores the rationale behind why selective universalism should be comprehended not as a failure of the liberal international order (LIO), but rather as one of its structural conditions. Recent debates have often characterized the selective application of international law and human rights as a deviation from liberal principles, typically attributing it to geopolitical hypocrisy or institutional decay. This article proposes an alternative argument. Drawing on an international historical sociology and critical political economy account of the liberal-capitalist order, we argue that selective universalism is a structural feature of the LIO itself. We conceptualize universal norms not as abstract, neutral standards but as historically embedded social relations produced within specific political–economic and geopolitical contexts. We show how selectivity has been an integral component of the liberal-capitalist order since its inception, albeit with variations in its manifestation. From 1945 to the late 1980s, the article demonstrates that selective universalism was politically constrained by competing universalist projects, anti-colonial struggles, and mass social forces. The monopolization of universalism under neoliberal globalization in the post-1989 era has led to an intensification of selective enforcement. Since the mid-2010s, the unravelling of hegemonic neoliberal order has assumed a new form, increasingly expressed through civilizational and security-based tropes of an "identitarian universalism".

Keywords: jus publicum europaeum, international historical sociology, critical international political economy, political liberalism, neoliberalism

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Introduction

The liberal international order's (LIO) claim to legitimacy has traditionally depended on its commitment to universal norms such as sovereign equality, human rights, and the rule of law. In practice, however, the repeated suspension, selective application, and instrumentalization of these norms have steadily undermined their credibility (Byers and Nolte 2009; Özdemir 2011; Altan Olcay and Balta 2024). The resulting gap between universalist claims and political practice is now a defining feature of global politics, manifested more clearly in Donald

Trump's "neo-imperialist" policies (Kupchan 2026). Yet, this tension is not external to the liberal-capitalist order but acknowledged even in its theoretical tradition. As both proponents and critics have observed, asymmetries of economic, ideological, and military power are constitutive of the LIO's operation (Rodriguez and Thornton 2022). John Ikenberry (2011), for instance, characterizes the LIO as a hierarchical yet consensual order constructed under United States (US) leadership. In this account, institutional restraint and "open and rule-based" cooperation coexist with a hierarchy of power through which the US seeks to advance liberal values. The US is therefore presented as "the carrier of universal political ideas and ideals that could help set the world on a more peaceful and prosperous pathway" (Ikenberry 2011: 183).

Amid the rise of a "reactionary internationalism" (de Orellana and Michelsen 2019) and the disruption associated with Trumpism in the US, recent scholarship interprets the increasing gap between universal norms and their selective enforcement as a relatively new pathology. From this perspective, selective universalism is explained by hegemonic decline, institutional fragility, or norm erosion driven by illiberal challengers (Börzel and Zürn 2021; Lake, Martin, and Risse 2021; Aydın-Düzgit 2023; Michelsen, de Orellana, and Buranelli 2023). Consequently, selective universalism appears as a betrayal of LIO rather than a feature of its historical constitution. On the other hand, universalism is often reduced by its critics to a "Eurocentric universalism" (Parasram 2023: 356) to be rejected, rather than critically reconstructed as a contested, historically embedded political project.

This article advances a different argument. We conceptualize selective universalism as a structural property of the liberal-capitalist order, not a contingent failure or recent deviation. Combining an International Historical Sociology (IHS) account with a Critical International Political Economy (CIPE) framework, we show how universal norms have never existed outside power relations. Instead, they are institutionalized within political structures that seek to reconcile claims of universality with enduring hierarchies of sovereignty and security. Consequently, selective universalism is not an anomaly. Rather, it is a constitutive mechanism through which the liberal-capitalist order has historically operated.

However, this argument should not be interpreted as a cynical realist rejection of universalism, nor as an attempt to reduce it to what its critics describe as the "missionary impulses of universalistic liberalism" (Scheuerman 2007: 74). It also does not endorse a shift toward claims of "pluriversal sovereignty" (Parasram 2023). We reject the view that selective universalism has remained unchanged across history or that universal norms operate only as tools of domination. Instead, we demonstrate how the period between 1945 and the late 1980s can be understood as an anomaly in the application of liberal universalism. The Cold War constraint on selectivity was not only geopolitical but also rooted in organized labor, class compromise, anti-colonial struggles, developmental concessions, and the existence of rival universalist projects (Wallerstein 1995; van der Pijl 2006; Saull 2023).

Methodologically, the article combines historical process research, macro-structural analysis, and contextual comparison across historical configurations. It does not aim to test a variable-based causal model or to offer conventional case studies. Rather, it reconstructs

the changing historical conditions under which universalist claims have been produced, institutionalized, constrained, and selectively applied. The analysis proceeds across four configurations: pre-1945 great-power legality, the Cold War LIO, the post-1989 neoliberal order, and the post-2016 crisis conjuncture. These configurations are not treated as closed periods but as historically specific constellations of political economy, geopolitical rivalry, institutional authority, and ideological legitimation.

The argument is operationalized at two levels. At the structural level, selective universalism is treated as a core feature of the liberal-capitalist order, rooted in the embedding of universal norms within hierarchical relations of sovereignty, property, security, and imperial power. At the conjunctural level, the article examines how this structural logic is mediated by historically specific countervailing forces, including rival universalist projects, anti-colonial struggles, organized labor, class compromise, geopolitical competition, and crises of accumulation.

Empirically, the article relies on historical illustration rather than conventional case selection. The earlier sections reconstruct the genealogy of selective universalism and identify key turning points in its transformation. The final analytical section treats Gaza and Ukraine as index cases: not as representative cases of all contemporary conflicts, but as highly visible expressions of the post-2016 reconfiguration of liberal universalism. They reveal contrasting but interconnected modalities of selective universalism: the hyper-mobilization of universal norms where geopolitical alignment, civilizational identification, and security interests converge, and their suspension or deferral where those same norms threaten entrenched hierarchies of power.

Beyond LIO Hypocrisy: Liberal Universalism as a Historically Embedded Social Relation

The selective application of international norms is typically framed as "hypocrisy": powerful states violate the very rules they expect others to follow. While descriptively accurate, this framing is analytically shallow. It assumes that universalism exists as a pure ideal independent of power, and that selectivity is merely a failure of enforcement. Implicit in this view is the assumption that the liberal order naturally tends toward inclusion, and that deviations from this path are caused by a lack of political will or the actions of "rogue" illiberal actors from the periphery or deviant actors from the core (Ikenberry 2020; Vinjamuri et al. 2025). From this perspective, recent ascendance of the far-right and global increasing inequalities are seen as anomalies rather than manifestations of the LIO's underlying structure.

Our approach, while heavily indebted to historical-materialist IHS and CIPE (Halperin 2023; Saull 2023; Apeldoorn, Veselinovič, and de Graaff 2023), differs from some influential Coxian and Neo-Gramscian accounts of the LIO insofar as these accounts tend to privilege the consensual and intersubjective foundations of US liberal hegemony. Cox's (1987) historical-structures approach remains important for linking social forces, institutions, and world orders. However, this article does not adopt an understanding of hegemony centered

primarily on intersubjective consensus or ideological incorporation. Rather, following more structural-materialist accounts, we treat consent itself as historically dependent on material concessions, class compromise, institutionalized dependency, and the structural conditions of capitalist accumulation. In this framework, we treat universalism not as an abstract ideal, but as a historically embedded social relation. Universal norms do not exist separately from power; they are produced and applied within specific systems of political authority, modes of capitalist accumulation, and geopolitical rivalry.

We define the selective universalism of the LIO as the uneven application of rules regarding sovereignty, human rights, and markets. Hence, the coexistence of liberal universality with hierarchy and exclusion—the core of selective universalism—is neither a pathology nor an accident. It is a structural condition that allows the liberal-capitalist order to reproduce hierarchies of power. The capitalist world economy remains structurally unequal. Under these conditions, principles such as equality, sovereignty, and shared humanity and prosperity cannot be fully realized (Wallerstein 1995; Gill 2020). Liberal institutions present universal principles as general commitments. Yet, historically in practice, liberal universalism and exclusion have developed together within the same capitalist system. As Losurdo (2011) shows, the rise of liberal universalism in the eighteenth century coincided with colonial violence and slave ownership.

To make sense of liberalism's complex and internally contradictory relationship with universal values such as liberty and equality and avoid terminological confusion it is important to treat it as a historical category (Landa 2010). In this sense we can distinguish between what Landa (2010: 13) refers to as "the liberal split" between political and economic liberalism. Absolute defense of "the sanctity of property rights", capital accumulation, and market discipline forming the core of economic liberalism have existed in a strained relationship or open antagonism with universal suffrage, egalitarian civil rights and mass democracy which were associated with political liberalism (Landa 2010: 57; Losurdo 2011). Classical liberal philosophy (from John Locke to John Stuart Mill) was not only exclusionary and deeply suspicious of the masses, but it often served as a justification of nineteenth-century British imperialism (Losurdo 2011; van der Pijl 2020). Colonialism and the suppression of the domestic working class were not aberrations of early liberalism; they were the logical application of a philosophy that defined non-propertied people as existing outside the realm of political rights (Losurdo 2011). Historically political liberalism has been "tolerated" by the ruling classes to the extent that it "does not interfere with the economy, and remains restricted to its original functions of guaranteeing diverse bourgeois liberties" (Landa 2010: 53). Landa (2010: 53-54) demonstrates that historically when confronted with the pressures generated by mass democracy and forced to choose, liberal ruling classes will consistently sacrifice political liberalism (democracy) to save economic liberalism (property relations)—even allying with fascism or authoritarianism to discipline the working class. This reveals how selectivity is not only institutional but also internal to liberal tradition itself. Hence, instead of viewing international universal norms as independent ideals or merely as the shadows of state interests, IHS understands them as historically embedded social relations.

They are formed through the long-term interaction of political authority, economic systems, class struggle, and geopolitical conflict (Landa 2010; Pal 2021).

CIPE reinforces this perspective by anchoring the analysis in the structural dynamics of capitalism. Rejecting the artificial separation of the political from the economic, CIPE treats state power, markets, and legal regimes as mutually constitutive elements of a single capitalist system (Apeldoorn, Veselinovič, and de Graaff 2023: 19). It examines how power is woven into global structures of production, finance, and debt, and how seemingly neutral market rules reproduce inequalities among the core, semi-periphery and the periphery. By bringing IHS and CIPE together, this article moves beyond normative critiques of selective universalism as a trait of Eurocentrism to analyze it as a structural feature of the global capitalist order. In this framework an account of LIO "is at the same time an account of capitalism—they are coevolving and mutually dependent categories of analysis" (Voice 2023: 94). This means that the institutional form of the LIO cannot be explained apart from the capitalist social relations within which it historically developed.

This framework allows for a clearer specification of how selective universalism varies historically without ceasing to be a structural property of the liberal-capitalist order. In doing so, the article steers clear of both liberal nostalgia for a supposedly lost age of liberal universalism and realist skepticism about the relevance of universal norms. Universalism's meaning, practical application, and political consequences depend on the socio-economic and political arrangements and the ideological frameworks in which it operates.

A critical implication of this framework is that exposing the selective nature of liberal universalism does not require abandoning universalism per se. Conflating the critique of *selective* universalism with a rejection of universalism itself risks reinforcing the very hierarchies we seek to critique. Historically, arguments against universalism have been central to imperial and counter-revolutionary traditions that justify inequality through appeals to culture or "civilization" (Landa 2010; Traverso 2021; Halperin 2023). Indeed, what historically gave meaning to universalism was not the particularism of European imperial tradition, as often assumed, but "the struggles of those denied equality and liberty by the elites in Europe and America" (Malik 2023: 5). Hence, the problem is not that universalism is inherently oppressive or Eurocentric, as assumed by postcolonial theory, but that it has been historically and institutionally embedded in ways that reconcile universal language with actual domination. A historical critique, therefore, must seek not to undermine universalism, but to reclaim its emancipatory potential from its current hierarchical administration.

The Genealogy of Liberal Universalism: *Jus Publicum Europaeum*

The selective character of the liberal international order is deeply rooted in the historical genealogy of modern international society. Liberal universalism did not emerge *ex nihilo* (out of nothing) in the twentieth century; it inherited and transformed earlier regimes of international legality that combined universalist claims with structured exclusion. Most prominently, the nineteenth-century "Standard of Civilization" bifurcated the world into a "civilized" West and

an "uncivilized" Rest, regulating access to international society through legal, cultural, and political criteria inseparable from imperial power (Linklater 2016). The modern international order thus did not arise from a social contract among equals but from the administration of empire, with the "Standard of Civilization" functioning as a central mechanism governing relations between the European core and the non-European periphery.

For this reason, a historically grounded account of selective universalism must begin before the liberal international order, in the early-modern European legal constellation that Carl Schmitt (2003) theorized as the *jus publicum Europaeum* (European public law). While often treated as a precursor to modern international law, its significance for the present analysis lies in the structural pattern it crystallized: universality was internally egalitarian for recognized members while remaining externally bounded and hierarchically administered. The "universalism" of the *jus publicum* was never global; it was a regional universality whose selectivity was constitutive rather than accidental.

In Schmitt's reconstruction, the *jus publicum Europaeum* marked a rupture with medieval moral universalism and just-war doctrines by institutionalizing a formally neutral, state-centered conception of interstate war. This new *nomos* (the underlying spatial order that exists before law in Schmittian parlance), understood as a unity of law and space, rested on several linked assumptions. It treated the sovereign state as the only legitimate actor in matters of war and peace. It secularized political authority, concentrated decision-making in the executive, and introduced the concepts of *iustus hostis* (lawful enemy) and "non-discriminatory war." Within this framework, conflicts among recognized European sovereigns could be "bracketed." War appeared as a regulated contest between juridical equals, not as a morally charged struggle or crusade (Teschke 2011a: 188–189).

Even by its own standards, however, this legal equality had strict limits. The logic of non-discriminatory war applied only inside a clearly bounded European space. Beyond that space, enemies could be redefined in civilizational terms. As Teschke (2011b: 65) shows, Schmitt's model assumed that outside "feudal-Christian Europe the enemy was categorically rendered as a barbarian," a status that implied annihilation rather than reciprocity. This arrangement offers an early and clear example of selective universalism. A universal legal claim depended on the creation of an external zone where equality, reciprocity, and legal protection no longer applied.

From the perspective of international historical sociology, this makes it necessary to reject the nostalgic reading often drawn from Schmitt's account. That reading presents the *jus publicum Europaeum* as a "golden age" of civilized warfare and stable legality. Teschke's critique shows why this view is misleading. It relies on an idealized reading of legal forms and an empty notion of spatial "concretion," detached from the social relations that shaped early modern geopolitics, overseas expansion, and conquest. Schmitt's "spatial revolutions" appear as abstract legal shifts, as if they could be understood apart from social property relations, forms of political authority, and the violence of colonial expansion

(Teschke 2011a: 182). This is not only an empirical gap. It is a theoretical problem, because it turns selective universality into a self-contained legal grammar rather than a historically grounded social relation.

For this reason, the colonial dimension is not a secondary or external aspect of this legal order. It is central to how that order was formed and sustained. As Teschke (2011b: 82) shows, Schmitt's account effectively nullifies colonized subjects, treating the Americas as a de-subjectified spatial vacuum while leaving processes of appropriation and violent encounters with indigenous peoples analytically off-screen. Once this erasure is corrected, the genealogy becomes clearer: Europe's internal legal bracketing of war was enabled and sustained by the existence of an external domain in which violence could be organized through radically unequal regimes of recognition and right. This insight can be restated more clearly through Prozorov's (2009) critique of what he calls "identitarian universalism." Prozorov argues that if claims to universality rest on positive identity markers, universality can only take a hegemonic form. One particular identity is elevated and presented as a global standard. Seen this way, the *jus publicum Europaeum* appears as an early modern arrangement in which a specific identity, the European sovereign state as the legitimate bearer of public war, was raised to the level of universality.

The implication for the article's broader argument is direct. Selective universalism did not emerge with late twentieth-century liberal interventionism, nor can it be reduced to occasional hypocrisy or norm violation. It reflects a durable structural pattern. Universal norms take shape and gain stability through historically specific regimes of membership, recognition, and political economy. The *jus publicum Europaeum* offers the first clear example of this pattern. It combined legal equality among insiders with the production of a constitutive outside, where universality could be withheld, managed, or overridden through violence. From this perspective, the *jus publicum Europaeum* should not be treated as a pre-liberal exception or as a closed legal order later replaced by genuine universalism. It represents the first modern configuration of selective universalism. Universal legal principles were institutionalized for a limited community of recognized sovereigns, while an external space was created in which reciprocity, equality, and legal protection did not apply. This arrangement established a lasting structural template.

This division was not only cultural or ideological. It also served as a structural condition for the expansion of global capitalism. The *jus publicum Europaeum* and, later, the "Standard of Civilization" provided legal frameworks that protected European property rights, contracts, and commercial privileges in non-European territories. After 1945, the explicit language of "civilization" receded and gave way to terms such as "development," "modernization," and "human rights." Yet the underlying logic remained. The liberal international order continues to rely on binaries like "liberal/illiberal" or "democratic/authoritarian." These distinctions perform similar exclusionary functions by legitimizing intervention and disciplining actors judged to fall outside accepted norms (Bettiza, Bolton, and Lewis 2023).

Liberal Universalism Under Constraint: The Cold War Conjuncture (1945–1989)

The shift from the early modern European legal order to the post-1945 LIO did not remove the structural logic of selective universalism. Instead, it extended universalist claims to a global scale and reshaped the political conditions under which selectivity was applied and justified. The key analytical issue is therefore not whether the LIO transcended selective universalism, but how the expression, visibility, and legitimacy of selectivity were historically mediated by shifting political–economic and geopolitical constraints. The period of the Cold War, understood as "a form of global social conflict between states and social forces associated with the rival social systems of capitalism and communism" (Saull 2005: 254) helps us understand how decolonization, and the existence of rival universalist projects introduced limits that reshaped—but did not undo—the structural pattern first crystallized in the *jus publicum Europaeum*.

The period from 1945 to 1989 can thus be understood as the high-water mark of a distinctly modernist universalism and triumph of political liberalism. Historically it was indebted to the anti-fascist legacy of World War II, revolutionary traditions and anti-colonial struggles that institutionalized claims to political equality on a global scale (Wallerstein 1995; Traverso 2021; Halperin 2023; Saull 2023). This was not a moment in which liberal hierarchy disappeared, but one in which its operation was politically constrained by countervailing forces at both domestic and international levels. In other words, LIO's selective universalism was constrained not simply by the military deterrence of the Soviet Union, but by the necessity of managing global class struggle, preserving accumulation during a period of high profitability, and neutralizing alternative models of social reproduction.

This conjuncture was shaped by the widespread discrediting of fascism as the epitome of anti-universalist projects at the end of WWII and by the construction of a postwar anti-fascist settlement in Western Europe, grounded in a "liberal-democratic" or social-democratic class consensus that sharply narrowed the ideological and political space available to the particularist "identitarian political philosophy" (McGowan 2020: 99) of the far-right (Saull 2023: 3). At the international level, these changes were reinforced by decolonization and the formal end of empire. This process weakened the tight link between capitalist development, imperial rivalry, and territorial conquest.

These shifts took place within the wider Cold War order shaped by US liberal hegemony and "embedded liberalism". In contrast to classical imperialism relying on territorial conquest and exclusive colonial monopolies, US imperialism is characterized by an "informal empire" which does not rule through colonial administration, but through the structural penetration of capital, law and institutionalized dependency. US imperialism's logic of expansion, consequently, was based on the "Open Door" principle, which involved breaking down colonial blocs to universalize capital mobility and promote "the proliferation of new sources of capitalist accumulation" (Saull 2008: 316; Apeldoorn, Veselinovič, and de Graaff 2023). In this framework, the LIO is a highly deliberate, politically engineered project of American statecraft.

The US constructed an informal empire that penetrates other sovereign states, restructures their domestic class relations, and integrates them into a unified capitalist bloc (Saull 2008; Panitch and Gindin 2012). Hegemony, in this sense, is the successful institutionalization of this "Open Door" across the globe (Apeldoorn, Veselinovič, and de Graaff 2023).

It is in this specific historical period following the four decades after WWII in which both liberalism and capitalism acquired their highest stage of "cultural hegemony" – "an era in which the system relied on the active consent of labor" (Chibber 2022: 165). Yet, rather than being understood as a product of culture or "ideological indoctrination", an idea wrongly associated with Gramsci, this consent "was dependent upon a set of very material factors" (Chibber 2022: 166). What enabled liberal hegemony in a Gramscian sense in this period – the ability of the dominant class to articulate its particular class interests as the general interests of society – was a materialist class compromise rooted in the historically unique developmental dynamics of capitalism: the "30 glorious years" (1945–1975), a period of exceptionally high growth and investment (Riley 2022; Chibber 2022). The establishment of hegemony required a delicate balance: a working class powerful enough to elicit concessions from capital, but "disciplined" enough not to threaten the fundamental institution of private property. This hegemony was the mechanism that historically allowed "capitalist democracy" – understood as a social mechanism through which citizens could express claims to goods and services that had expanded due to growth ("expanding pie")– to function despite the basic contradiction between "a system of relatively universal suffrage" and "a class monopoly exercised over the decisive means of production" (Riley 2022: 111-113). Together, these domestic and international arrangements disrupted the long-standing connections between state power, capital, and the anti-universalist far-right projects that had structured European politics since the nineteenth century (Saull 2023: 2). These constraints raised the political costs of overt exclusion and expanded the space for claims to equality, sovereignty, and self-determination.

As Traverso (2021: 416) emphasizes, twentieth-century communism played a decisive role in reconfiguring the relationship between class and race by extending political agency to colonized peoples and fusing humanism, anti-capitalism, anti-colonialism, and universalism within a renewed "radical Enlightenment" idiom. In the colonial world, many "nationalist movements took inspiration from Marx's anticolonialism and the strong anti-imperialist stance taken by the Bolsheviks" (Chibber 2022: 2). Universal principles of liberty and equality in the mid-twentieth century therefore cannot be understood solely as a liberal moral achievement; they were also the outcome of revolutionary, anti-imperialist, and anti-capitalist struggles that directly challenged the racialized and hierarchical foundations of the LIO (Chibber 2022; Saull 2023).

Crucially, the global wave of decolonization was not the product of an internal moral evolution within liberalism. Indeed, it unfolded largely in reaction or opposition to LIO as became evident at the Bandung Conference and in the Non-Aligned Movement (Wallerstein 1995: 52-53). Decolonization occurred in a geopolitical context shaped by the existence of the Soviet Union, whose material power and ideological appeal altered Western strategic

calculations and expanded the political horizons available to anti-capitalist and anti-colonial movements (van der Pijl 2020; Traverso 2021; Chibber 2022). Richard Saull (2005; 2008; 2023) argues that the Cold War was characterized by the uneven and combined development of global capitalism clashing with revolutionary social movements. The constraint on the LIO in the periphery was the persistent threat of social revolution. To prevent peripheral states from undergoing social revolutions, the LIO was forced to tolerate—and fund—Import Substitution Industrialization (ISI) and state-led developmentalism. The selective universalism of the LIO had to include material concessions—technology transfers, foreign aid, and the tolerance of protectionism—to build anti-communist bourgeois alliances in the periphery.

From a political–economic perspective, this conjuncture also imposed material constraints on LIO. Van der Pijl (2020) shows that postwar Western strategies of containment and rollback were limited by the territorial and political gains of the Red Army and by the global mobilization of left-wing forces in the post-war context. The strength of organized labor in the capitalist core compelled a class compromise, while decolonization and new state formation restricted the capacity of liberal powers to project authority in an unrestricted or openly imperialist manner. These dynamics combined raised the political costs of overt selectivity and narrowed the space in which liberal universalism could be exercised in openly hierarchical ways without triggering instability or backlash. Universal norms were more fiercely contested, their selective application more visible and costly, and their ideological justification more fragile than it would become in later decades.

Paradoxically, liberal universalism achieved its most stable form of political liberalism under historically specific conditions of constrained capitalism: social protection, welfare states, strong regulation, and organized labor in the advanced capitalist core. This was the moment of embedded liberalism. As van der Pijl (2006: 19) argues, it represented the "furthest point of development of the democratic revolution in the West," because the capitalist order was compelled to accommodate pressures generated by popular sovereignty, universal rights, socialism, organized labor, anti-colonialism, and Cold War rivalry. In this context, welfare states, mixed economies, trade-union influence, and proposals for regulating transnational capital were not simply expressions of liberal benevolence. They were concessions made under the pressure of domestic class struggle and international systemic competition. This progressive phase of "capitalism with a human face," or democratic capitalism, should therefore be understood as a historical anomaly rather than as the normal pattern in the long relationship between liberal universalism and capitalism.

Overall, the Cold War constrained LIO's selective universalism because ruling classes in the capitalist core faced organized labor domestically, feared revolutionary transformation in the periphery, and, under conditions of postwar profitability, possessed the material capacity to make concessions. The collapse of the Soviet Bloc in 1989 marked a geopolitical rupture that also transformed historical imagination: with "communism" receding as both a political system and revolutionary horizon, a depoliticized realism took hold in which capitalism increasingly appeared to lack systemic alternatives (Traverso 2021). This rupture did not mark

the collapse of universal norms themselves. It marked the erosion of the political, economic, and geopolitical conditions that had previously limited their selective and hierarchical application. What later came to be called neoliberal globalization thus reintroduced key structural features of the pre-WWII international political economy (Halperin 2023). The transition to neoliberalism was not merely an ideological shift; it was also a structural strategy through which capital sought to restore profitability by weakening the institutional leverage of labor. It represented a structural reorganization of global capitalism that dismantled "embedded liberalism", deepened inequality, weakened democratic mediation, and opened space for more authoritarian and exclusionary forms of politics (Halperin 2023).

The post-1989 reassertion of liberal universalism must be read against this transformed historical context. What emerged was not a more inclusive universalism, but one increasingly detached from projects of material redistribution, emancipation, and mass mobilization within a naturalized capitalist order. In the neoliberal period not only were "human rights" and "democracy" selectively promoted, but "the global neoliberal offensive" or "counter-revolution" "is conducted in the name of 'freedom' as defined by Hayek, never as social justice or democratic emancipation" (van der Pijl 2006: 20). Universalism took on a more abstract and juridical form, one that proved easier to align with selective, conditional, and hierarchically administered applications of international law and human rights.

From Liberal Teleology to Civilizational Exception: The Contemporary Mutation of Selective Universalism

If the post-1989 period normalized liberal universalism as the only globally legitimate ideology, expressed through human rights, humanitarian intervention, and responsibility to protect, the phase that has unfolded since roughly 2016 is better understood as a shift in how selective universalism is justified. What distinguishes the current conjuncture from the immediate post–Cold War era is the weakening of liberal teleology as the dominant source of legitimacy and "the unravelling of the previous hegemonic order" (Riley and Brenner 2022: 7) further subjugating remains of political liberalism to the imperatives of economic liberalism. Selective universalism is now defended less through narratives of "progressive" inclusion or liberal peace, and more through appeals to security, civilization, and reason of state.

This shift did not begin suddenly in the mid-2010s. Its foundations were laid after September 11, 2001, a moment that reshaped the relationship between universal norms, security, and legality (Neocleous 2006). Post-9/11 counterterrorism regimes introduced a lasting logic of exception into the liberal-capitalist order. International law no longer functioned primarily as a framework for protecting universal norms. Instead, it was increasingly treated as a flexible tool that could be suspended, bypassed, or selectively applied in the name of security. Carl Schmitt's concept of the "state of exception" is useful here, not as a normative model, but as an analytical lens. Emergency powers, legal suspension, and differentiated legal status became routine features of liberal governance rather than temporary responses to crisis.

From this perspective, the post-9/11 period marked the consolidation of selective legality at both national and international levels. Governments invoked "national threat," "security," and "states of emergency" to justify the restriction or suspension of legal protections for designated groups. Exceptional practices were institutionalized rather than confined to moments of acute crisis. Indefinite detention, extraordinary rendition, targeted killings carried out by unmanned aerial vehicles, and expansive surveillance regimes all illustrate how universal legal protections became conditional on perceived threat, identity, and location. Crucially, these developments did not abandon universalist language. They often relied on it. The "war on terror" was presented as a defense of universal values such as human rights, freedom, and civilization against a new form of barbarism. Yet universalism increasingly operated through exception. Law applied fully to some, selectively to others, and not at all to those labeled as existential threats. In this sense, post-9/11 security regimes formed an intermediate phase between the liberal optimism of the post-Cold War period and the more explicit civilizational boundary-drawing that became visible after 2016.

Although the material foundations of the LIO had already been weakened by the neoliberal turn, the 2008 financial crisis decisively exposed the limits of neoliberal hegemony. The continued resilience of the neoliberal capitalist order should therefore be explained less by ideological consent than by the structural dependencies it has produced. As organized labor was weakened, social protections dismantled, and peripheral economies more deeply integrated into global finance and supply chains, both workers and states became increasingly constrained by the costs of exit or collective resistance. In this sense, neoliberalism generated what Chibber (2022: 20, 80) calls "political resignation": compliance rooted not in belief, but in the material difficulty of acting otherwise. The LIO no longer needed to secure active consent through the promises of embedded liberalism, developmental modernization, or universal prosperity; it increasingly relied on the structural vulnerability of labor and the dependency of peripheral states within global capitalism.

Neoliberal globalization did not simply deepen market integration; it reintroduced forms of hierarchy, coercive dependency, unequal sovereignty, and state-backed accumulation that had characterized earlier imperial orders, albeit now mediated through debt, financial discipline, supply-chain dependence, sanctions, and selective access to global markets. After 2008, this tendency became more visible. As productive expansion weakened and market rationality lost much of its legitimating force, capital increasingly relied on political and state-mediated mechanisms of accumulation. Riley and Brenner's notion of "political capitalism" is useful here not as a separate explanatory framework, but as a way of capturing this mutation: returns increasingly depend less on productive investment than on privileged access to state power, legal infrastructures, coercive regulation, and geopolitical positioning (Riley and Brenner 2022: 6). The result is a more openly coercive and uneven neoliberal-capitalist order, in which selective universalism is no longer stabilized by broad developmental promises but increasingly enforced through dependency, security exceptionalism, and weaponized interdependence.

The current organic crisis of the neoliberal-capitalist order therefore signals more than a simple rejection of universal norms. It marks a strategic rearticulation of selective universalism under conditions of weakened consent, intensified dependency, and renewed state-backed coercion. Selective universalism is reorganized around sharper distinctions between inside and outside, civilized and barbarian, legitimate and illegitimate subjects of protection. The result is not the collapse of the neoliberal-capitalist order, but a transformation in its mode of operation. Hendrikse's (2021) concept of "neo-illiberalism" is useful precisely because it shows that the "illiberal" turn is not a simple negation of liberalism. Rather, it involves the weakening of political liberalism—constitutional limits, democratic accountability, rights, and universal protections—in order to preserve and reorganize economic liberalism under conditions of crisis.

From Liberal Universal Norms to Civilizational Boundary-Making

In this periodization, 2008 marks the crisis of neoliberal legitimacy, whereas 2016 marks the political-ideological crystallization of that crisis into an openly civilizational, security-centered, and reason-of-state mode of selective universalism. This shift toward civilizational boundary-making has been reinforced by far-right and right-populist critiques of universalism. As Saull points out (2023: 195) "Neoliberalism shares with the far-right a hostility to the universalist and collectivist orientation of the welfare state, as well as an implicit understanding of humanity as organized around 'natural' inequality and resulting hierarchies." Across Europe and the US, such movements portray universal norms—human rights, international law, refugee protection—not as selectively applied principles in need of democratization, but as illegitimate impositions that threaten sovereignty, cultural homogeneity, and civilizational identity. Within this discourse, universalism itself is reframed as a pathology, associated with liberal cosmopolitanism, multiculturalism, or "globalism."

The danger of this critique lies precisely in its rejection of universality rather than its selective administration. By discrediting universal norms as such, far-right projects do not dismantle hierarchy; they reassert it more explicitly through ethnic, national, or civilizational criteria. Hence Orientalism, far from being a leftover from the nineteenth century, remains an active ideological framework in the twenty-first century, shaped by persistent divisions between civilization and barbarism. Yet what is new is that where imperial Europe once cast itself as a force that spread civilization, it now increasingly portrays itself as a besieged fortress (Traverso 2024: 20). This "fortress" sensibility closely tracks post-2016 politics. Far-right currents—most visibly in Trumpism and its transnational afterlives—intensify a security–civilizational framing that does not abandon universal norms outright but subordinates them to an inside/outside logic already normalized through post-9/11 exceptionalism.

The contemporary mutation of selective universalism also exhibits partial resonances with pre-1945 repertoires of legality, without implying a straightforward regression to earlier international orders. These resonances are visible in the growing reassertion of *raison d'état* within current international affairs. Germany's invocation of *Staatsräson* in its support for

Israel is especially revealing. By explicitly authorizing lawful–illegal action in the name of higher security imperatives, it normalizes exception within the language of legality itself (Traverso 2024: 30). This move recalls earlier configurations in which legal equality was conditionally suspended through appeals to *raison d'état*, even as the formal vocabulary of universal law was retained.

This dynamic is most explicitly manifested in the principles of what is called a "Donroe doctrine", a "bigger and better" version of the Monroe doctrine (Borger 2026). Donroe doctrine aims the "restoration and reinvigoration of American spiritual and cultural health" and reassertion and enforcement of the "Trump Corollary": a "Monroe Doctrine to restore American preeminence in the Western Hemisphere" as a precondition of long-term security (National Security Strategy 2025: 4-15). Universalist commitments formally persist –e.g. securing "unprecedented peace"; Trump's so-called "Board of Peace" for Gaza–but they are increasingly subordinated to culturally and civilizationally framed security imperatives such as "peace through strength" which result from particularist and hierarchical understandings of order. Indeed, it is not an accident that Carl Schmitt amid his "deeply nostalgic vision of the early Westphalian system and traditional early modern European model of international law", saw the Monroe doctrine as an "astonishing political achievement" of "real and great imperialism" "to avoid the pathologies of universalistic liberal international law and ensure effective state action", and hence a model to be emulated by Nazi Germany (Scheuerman 2007: 73-74; see also Specter 2022).

Hence from the perspective of the Global South Trump's abandonment of "rule-based order", is viewed as "standard US foreign policy stripped of hypocrisy" (Borger 2026). Yet what is new is that countries from the core that prospered under the LIO, now share the aforementioned perspective of the Global South. As Canada's Prime Minister Mark Carney (2026) stated in his speech at Davos:

> "We knew the story of the international rules-based order was partially false that the strongest would exempt themselves when convenient, that trade rules were enforced asymmetrically. And we knew that international law applied with varying rigour depending on the identity of the accused or the victim.[…] We participated in the rituals, and we largely avoided calling out the gaps between rhetoric and reality. This bargain no longer works. Let me be direct. We are in the midst of a rupture, not a transition."

We argue that this "rupture" can be better understood not as collapse but as recomposition. In Prozorov's (2009) terms, the contemporary conjuncture moves toward a form of "identitarian universalism" in which universal norms are formally affirmed but effectively delimited by civilizational membership and reason-of-state exceptions. Under conditions of geopolitical fragmentation and ideological closure, exception becomes more explicit, civilizational sorting more central, and the restriction of universal norms to a bounded "inside" more openly defended. "Identitarian universalism" as such reactivates repertoires of exclusion— *raison d'état*, civilizational hierarchy, and differentiated legality within a crisis ridden global order.

Table 1. Universalism, Liberal Order, and the Variable Expression of Selectivity

Dimension	Pre-1945 Order (*Jus Publicum Europaeum*)	Cold War LIO (c. 1945–1989)	Neoliberal Order (1990s–2015)	Crisis of Neoliberal Order (c. 2016–present)
Underlying structure	European great-power legal order without liberal internationalism	Liberal international order with plural universalist projects	Neoliberal order with monopolized liberal universalism	Neoliberal order recomposed through security exceptionalism and civilizational fragmentation
Form of universalism	Civilizationally bounded, Europe-centered universality	Contested universalism (liberal, communist, anti-colonial)	Liberal universalism as the sole legitimate horizon	"Identitarian universalism" derived from particularist panics
Dominant form of power	Explicit great-power politics; imperial hierarchy	US hegemony; Bipolar rivalry; constrained liberal hegemony	US hegemony; neoliberal governance	Hegemonic crisis combining neoliberal governance, permanent security emergency, and civilizational politics
Countervailing forces	Minimal (colonial subjects excluded)	USSR; anti-colonial movements; organized labor	Weak, fragmented, depoliticized	Absent at systemic level; far-right as anti-universalist force
Political–economic context	Imperial capitalism; colonial extraction	Embedded liberalism; class compromise; decolonization	Disembedded liberalism; neoliberal globalization	Crisis of neoliberalism managed through securitization, geo-economic conflict, and nationalist retrenchment
Status of universal norms	Non-universal by design	Politically contested and expanded	Technocratic, juridical, depoliticized	Formally intact but increasingly subordinated to security imperatives and civilizational criteria
Political cost of selectivity	Very low (hierarchy explicit)	High (exclusion politically risky)	Moderate (selectivity legitimized through institutions)	Low again: exception normalized via security discourse and civilizational legitimation
Mode of selectivity	Explicit, racialized, juridified	Mitigated, constrained, indirect	Institutionalized, depoliticized	Exceptionalized, securitized, and increasingly racialized
Relation to international law	Law among great powers; colonies as exceptions	Law as a contested political terrain	Law as governance technology (R2P, conditionality)	Law selectively enforced, suspended, or bypassed under security and reason-of-state claims
Dominant political imaginary	Civilization vs. barbarism; Racism; Orientalism	"Principle of hope"; open futurity	Post-ideological realism; "there is no alternative"	Permanent emergency, civilizational threat, violation of sovereignty, identity, survival

Gaza and Ukraine as Index Cases: Universal Law, Security Exception, and Civilizational Hierarchy

The war in Gaza makes the current transformation of selective universalism especially clear. In one setting, it brings together the language of universal humanitarian law and the production of geopolitical exception. Traverso (2024) points to a key moment in this process in the International Court of Justice's (ICJ) order of January 26, 2024. The ICJ found that the rights of Palestinians in Gaza to protection under the Genocide Convention were "plausible" and ordered provisional measures to prevent genocidal acts. This decision was followed by the International Criminal Court (ICC) prosecutor's request for arrest warrants against Israeli leaders. That move provoked a sharp reaction from Western governments, most notably when President Biden described the initiative as "outrageous" (Traverso 2024: 20). Gaza should be understood not only as a humanitarian disaster, but also as a revealing case that exposes the civilizational limits of liberal universal law in moments of intense geopolitical pressure. It is important to situate these dynamics within the longer genealogy of international law as a "European public law" already analyzed above: a system in which legal universals historically applied within a bounded political space, while colonial and racialized violence remained outside full juridical scrutiny. What triggers contemporary "outrage," in this reading, is not only the legal jeopardy of a strategic ally, but the symbolic challenge to a hierarchy in which the Global South might receive humanitarian assistance but "not administer international law" (Traverso 2024: 23).

Ukraine provides a second index case into the contemporary operation of selective universalism. Not because it negates universalism, but because it illustrates how universal norms are differentially mobilized under conditions of security alignment and civilizational identification. As Michelsen (2022: 313) observes, the war in Ukraine has offered liberal actors an opportunity to recover unity and moral purpose after a period of normative fragmentation. This reassertion of universalist language does not signal a return to the liberal norms of the post–Cold War period. Instead, Ukraine highlights a layered logic shaped by post-9/11 security exceptionalism and the civilizational boundary-making that has intensified since 2016.

First, international criminal accountability operates unevenly. Western governments have strongly supported the use of international criminal law in response to Russia's actions in Ukraine, including the ICC arrest warrant for Vladimir Putin. In this context, accountability is presented as a reaffirmation of universal norms. By contrast, when international criminal law is applied to Israeli leaders in relation to Gaza, the legitimacy of the institution itself is questioned or actively undermined (Traverso 2024: 54). Second, sanctions and legal coercion function in a stratified manner. The war in Ukraine has consolidated sanctions as a core instrument of liberal power, justified through appeals to legality and moral responsibility. Gaza, however, has exposed the limits of this approach when strategic alliances and security narratives take precedence. Third, civilizational framing reshapes how innocence and victimhood are recognized. Since 2016, far-right populist and nationalist discourses have increasingly cast

geopolitical conflict as the defense of "the West" against external threats. Ukraine fits easily into this narrative as a civilizational frontier, which enables broad mobilization of empathy, protection, and legal solidarity. Gaza, by contrast, falls outside this moral frame.

The purpose of this comparison is not to equate Ukraine and Gaza, nor to deny the specific character of Russian aggression. Rather, the comparison here is aimed to reveal the persistence of the aforementioned structural logic: universalism is administered through hierarchy, and in the contemporary conjuncture that hierarchy is increasingly legitimized through security and civilizational criteria rather than liberal doctrine. Ukraine demonstrates how universal norms are forcefully mobilized when security interests, moral narratives, and civilizational identification align; Gaza, on the other hand, demonstrates how the same norms are suspended, reinterpreted, or rendered exceptional when they threaten entrenched geopolitical orders.

What distinguishes Gaza and Ukraine from earlier cases such as Bosnia, Kosovo, Syria, Libya, the Arab Spring, or the migration crisis is not simply the presence of selectivity, but its changed modality. Earlier crises unfolded largely under conditions of relative Western hegemonic stability, when interventions and exclusions could still be framed through the depoliticized and technocratic language of liberal teleology: humanitarian intervention, democratization, responsibility to protect, or crisis management. By contrast, Gaza and Ukraine occur under conditions of neoliberal crisis, geopolitical fragmentation, and a contested transition toward multipolarity. In this context, selectivity is justified more openly through existential security, civilizational defense, and racialized distinctions between legitimate and illegitimate subjects of protection.

These cases also reveal a more polarized legal and political terrain. International law is forcefully mobilized against systemic rivals, as in the case of Russia, while its application to strategic allies, as in the case of Israel, is delayed, contested, or actively obstructed through vetoes, institutional pressure, and attacks on international legal bodies such as the ICJ and ICC. At the same time, the Global South increasingly uses the very institutions created within the LIO to challenge hegemonic selectivity, thereby unsettling the traditional monopoly of core powers over the interpretation and administration of international law. Gaza and Ukraine thus expose a double movement: the hyper-mobilization of universal law in one theatre and its suspension or suppression in another.

Conclusion

This article has argued that selective universalism is not a deviation from the liberal-capitalist order but a structural feature of its historical formation. From the *jus publicum Europaeum* to the United Nations system, universal norms have been embedded within durable hierarchies of power, security, property, and political status. Universalism has therefore never operated outside power relations; legal and political institutions have historically organized, stabilized, and legitimated those relations.

Rather than treating selective universalism either as a contingent deviation or a timeless constant, the article has combined International Historical Sociology with Critical International Political Economy to show how its form, visibility, legitimacy, and political costs vary across historical conjunctures. Liberal universalism has been structured by exclusions tied to property, class, empire, race, and political membership. Yet these exclusions have not always operated in the same way. The Cold War period from 1945 to 1989 stands out because the selective application of universal principles was politically constrained by the anti-fascist legacy of the WWII, the Soviet Union as a rival universalist project, organized labor in the capitalist core, and anti-colonial struggles in the Global South. In this sense, the postwar universal appeal of the LIO owed much to countervailing historical forces that made possible a specific form of political or embedded liberalism: a liberal-capitalist order that incorporated welfare, social rights, redistribution, and regulation in order to soften the inequalities and instabilities of the market. The real anomaly in the long history of liberal modernity was not selective universalism, but the temporary capacity of liberal capitalism to appear broadly compatible with social justice, collective rights, and universal emancipation.

The neoliberal turn from the 1970s, followed by the collapse of rival universalist projects in 1989, transformed these conditions. Liberal universalism increasingly remained the sole legitimate universal horizon, but its relationship with democracy, equality, and human rights was increasingly detached from the social and political constraints that had given those norms substantive content during the postwar period. Neoliberalism, both in theory and practice, functioned as a counter-revolutionary project aimed at dismantling the class compromise, weakening organized labor, rolling back social democracy, and subordinating political liberalism to economic liberalism. This structural shift did not create selective universalism; it made selectivity easier to apply and harder to challenge.

The current crisis of the neoliberal order therefore does not represent an anomaly in the application of selective liberal universalism. Since the mid-2010s, selective universalism has been justified less through the language of liberal doctrine or developmental progress and more through security claims, civilizational arguments, emergency politics, and reason of state. The cases of Gaza and Ukraine show that the current crisis of the neoliberal order is not one of normative collapse, but of recomposition. Universalism persists as a language of legitimacy, yet its scope and force are increasingly conditioned by security exceptionalism rooted in the post-9/11 order and intensified through post-2016 civilizational boundary-making. The mode of selectivity has shifted from a unidirectional imposition by the core to a deeply polarized legal and diplomatic battleground. The contemporary mutation of liberal universalism is thus not its disappearance, but its rearticulation in a more identitarian, securitized, and civilizational form.

This distinction matters for international theory. It challenges reformist approaches that focus on institutional adjustment while ignoring the historical links between liberal universalism, hierarchy, and political economy. It also questions accounts that treat the present moment as a unique rupture. Selective universalism has long and deep roots, but its modalities change historically. The post-2016 conjuncture does not create selectivity; it

lowers its political costs and increasingly legitimizes it through security exceptionalism and civilizational boundary-making.

Critiquing selective universalism is not the same as rejecting universalism itself. Historically, anti-universalist arguments have often justified hierarchy by appealing to culture, civilization, or destiny, or natural inequality, and these arguments remain influential today. Exposing selective universalism as a structural feature of the liberal-capitalist order serves a different purpose. It allows scholars and practitioners to recover the emancipatory possibilities of universal norms by confronting the historical, political, and economic conditions that produce their uneven application.

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