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# Legitimacy and Authority in International Politics

Ian Hurd

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What motivates states to follow international norms, rules, and commitments? All social systems must confront what we might call the problem of social control—that is, how to get actors to comply with society's rules—but the problem is particularly acute for international relations, because the international social system does not possess an overarching center of political power to enforce rules. Yet, taken in balance with other values, a measure of order is a valued good. Some take this absence of centralized power to mean that the international system is like a Hobbesian state of nature, where only material power matters; others see it as evidence that international rules have force only when they are in the self-interest of each state. I show that these two conclusions are premature because of their shallow reading of international society and misinterpretation of the ways in which authority works in domestic society.

Consider three generic reasons why an actor might obey a rule: (1) because the actor fears the punishment of rule enforcers, (2) because the actor sees the rule as in its own self-interest, and (3) because the actor feels the rule is legitimate and ought to be obeyed. The trait distinguishing the superior from the subordinate is different in each case. In the first, it is asymmetry of physical capacity; in the second, a particular distribution of incentives; and in the third, a normative structure of status and legitimacy. In other words, the currency of power is not the same for all relations. Political theorists traditionally isolate three ideal-type mechanisms of social control that correspond to the three currencies of power, which I call coercion, self-interest, and legitimacy.<sup>1</sup> These devices recur in combination across all social systems where rules exist to influence behavior, ranging from the governing of children in the classroom,

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1. Different typologies exist, some of which use different labels: see Koh 1997; Levi 1988; and Wendt 1999.

to the internal structure of organized crime syndicates, to the international system of states. Where rules or norms exist, compliance with them may be achieved by one or a combination of these devices.<sup>2</sup> Studies of domestic political sociology rotate around them, with scholars arguing variously for making one of the three devices foundational or combining them in assorted ways. It is generally seen as natural that a social system may exhibit each at different moments or locations.

In international relations studies, talking about compliance secured by either coercion or self-interest is uncontroversial, and well-developed bodies of literature—falling roughly into the neorealist and rationalist-neoliberal schools, respectively—elaborate each of these notions. However, the idea that states' compliance with international rules is a function of the legitimacy of the rules or of their source gets less attention; and when it is attended to, scholars generally fail to spell out the process by which it operates. In this article I address those who would ignore—for reasons of epistemology or methodology—the workings of legitimacy in international relations and those who make reference to legitimacy without spelling out what it is, how it works, and how it differs from other motivations for behavior. Only after we are clear on the conceptual differences among self-interest, legitimacy, and coercion can we look at the historic development and operation of each in specific institutions.

My primary goal in this article is to show that there is no obvious reason, either theoretical or empirical, why the study of the international system should be limited to only two of these three mechanisms and that to do so means missing significant features of the system. This should be a matter of empirical study, not assumption. Once students of international relations are reminded of the ease with which the three devices are accepted and discussed in domestic political theory, it becomes clear that very strong assumptions must be made in order to claim that it is reasonable to ignore one of the three with respect to the international system. This claim should no longer be allowed to stand without justification. Even if one believes that legitimacy is in fact absent or impossible in the international system, then some reasoned justification should be provided for why a social system at the international level is limited to fewer kinds of social control than one at the domestic level.

On the other hand, several recent treatments have revived the language of legitimacy in the discipline of international relations but without giving a convincing account of how legitimacy works, what its genealogy is in a particular case, and what difference its presence makes for international relations theory. For example, Bruce Russett discusses the importance of legitimacy to an effective security council, and Michael Barnett reads recent institutional proposals as efforts to solidify the legitimacy of the liberal “new world order,” but neither includes a theory of how legitimacy works or why it matters that power be legitimated.<sup>3</sup> This is curious, since, as

2. For the most part, I will treat these concepts as ideal types. The conceptual and empirical difficulties of separating them are discussed later in the article.

3. See Russett 1997; and Barnett 1997. “Legitimacy talk” is also common in the statements of Kofi Annan. See Annan 1998. For more “classical” examples of the same tendency, see Carr 1964; Kissinger 1964; and Claude 1967.

Thomas Franck suggests, the international system should be the best social system in which to observe a “normative” social order in its pure form, precisely because of the absence of an international government to enforce international laws and contracts.<sup>4</sup> The revival of legitimacy language in international relations is valuable, but so far it lacks a discussion of how and why legitimacy operates among international institutions.

*Legitimacy*, as I use it here, refers to the normative belief by an actor that a rule or institution ought to be obeyed.<sup>5</sup> It is a subjective quality, relational between actor and institution, and defined by the actor’s *perception* of the institution. The actor’s perception may come from the substance of the rule or from the procedure or source by which it was constituted. Such a perception affects behavior because it is internalized by the actor and helps to define how the actor sees its interests. I make no moral claim about the universal legitimacy, or even less the moral worth, of any particular international rule; I am interested strictly in the subjective feeling by a particular actor or set of actors that some rule is legitimate.<sup>6</sup> In this sense, saying a rule is accepted as legitimate by some actor says nothing about its justice in the eyes of an outside observer.<sup>7</sup> Further, an actor’s belief in the legitimacy of a norm, and thus its following of that norm, need not correlate to the actor being “law abiding” or submissive to authority. Often, precisely the opposite is true: a normative conviction about legitimacy might lead to *noncompliance* with laws when laws are considered in conflict with the conviction.

Significant issues are at stake in the question of whether there exist international rules and institutions that evoke this kind of feeling. First, since a legitimate institution contributes to the actor’s definition of its interests, identifying legitimate institutions in international society would help unravel how states define their “national interests” and may shed light on the differing notions of interest that separate the realist, liberal, and constructivist accounts of international relations. In particular, it can augment rationalist approaches by providing a theory of the background material or “common knowledge” that actors bring to a “game.”<sup>8</sup> Second, the presence of legitimate institutions calls into question the notion of the system as an anarchy. To the extent that a state accepts some international rule or body as legitimate, that rule or body becomes an “authority”; and the characterization of the international system as an anarchy is unsustainable, as is the traditional distinction between domestic

4. Franck 1990.

5. The literature on legitimacy in political theory is large. Good introductions include Flathman 1993; and Beetham 1991.

6. Thus I am also making the working assumption that we can treat states as unitary actors with corporate identity and the capacity to “feel” the pull of a legitimate rule. This is a contentious assumption that glosses over many interesting angles of social life, but I think it is appropriate for the present purposes, not least because a shared belief in the legitimacy of an institution is what gives it an apparent independent existence. See Hurd n.d.

7. Franck 1990. It remains an open question how perceptions of legitimacy and justice are related within the individual. I am not convinced that we can equate, as John Rawls and the contractarians seem to do, an individual’s belief in the legitimacy of an institution with the belief in its justice. Rawls 1971.

8. On common knowledge, common conjecture, and mutual knowledge in game theory, see Morrow 1994.

and international systems on the basis of the absence of international “authority.” This does not mean the end of a distinction between domestic and international, only that we need to clarify the nature of the distinction.

I will pursue these arguments in two ways. On the one hand, a functionalist argument for this proposition can be made by drawing an analogy from domestic systems: under some domestic conditions, legitimate authority is a naturally evolving, efficient mode of social control. To the extent that the international system is a society, we therefore have reason to expect a similar process of legitimation to occur with international rules. On the other hand, we can look directly for empirical evidence of legitimacy in the international system by examining the motives behind actual rule compliance by states. To pursue these two themes, the article is divided into four sections. In the first, I explore the political theory behind the distinctions among coercion, self-interest, and legitimacy as mechanisms of social control. My intention is to identify the distinguishing marks of each mechanism in the study of domestic society so that we might look to the international system and make an informed assessment of whether the same mechanisms apply there. Much more could be said on the subtleties and interrelations of these three concepts and the processes by which they are institutionalized, but here I give only enough of an ideal-type representation of each so that its place in the international system can be discussed in the following two sections.

In the second section I examine the peculiar methodological difficulties of studying the motivations of actors that may help account for the indirect way these issues have been treated in international relations scholarship. Although it is impossible to enter into an actor’s head and know conclusively its motivations and so differentiate between compliance based on, for instance, self-interest or legitimacy, my project presumes that there is a way to talk intelligently about how we might differentiate among motivations. To do so requires some attention to the kinds of evidence that might count for or against each kind of argument, and I contrast several ways to approach the problem.

In the third section I turn to the international system to look for such evidence, concentrating on the norms of sovereign nonintervention. Much recent scholarly attention has been directed toward understanding the nature and basis of the norms of international sovereignty, and to a large degree the resulting debate hinges on which mechanism of social control one sees as operative in the international system.<sup>9</sup> The evidence that the norms of sovereignty are largely taken for granted by states fits poorly with the theory that states are primarily motivated in this area by either coercion or self-interest. Seeing that the system of sovereign states is sustained in part by the force of legitimacy contributes to the debate on the nature of sovereignty and also provides empirical illustration of my main point, that legitimate institutions are an important part of the ordering mechanism of the international system.

The final section of the article draws out some implications of this analysis for the study of international relations. Because of the connections between “legitimacy”

9. For instance, Milner 1991 or Thomson 1995; versus Krasner 1995 or Weingast 1995.

and “authority,” and between “authority” and “anarchy,” recognizing the concept of legitimacy as an ordering principle at the international level opens important questions to empirical inquiry. The traditional understanding of anarchy in international relations is the absence of “legitimate authority.” Following the argument of the first three sections, this view no longer seems appropriate, and we should begin to inquire into how to describe the system if not as an anarchy. A system of authority implies a very different relation among units, and between units and other social institutions, than is brought to mind by the labels “anarchy” or “hierarchy.” Further, the conceptual approach of the article lays the groundwork for inquiry into how institutions become legitimate and the settings in which this is more or less likely. Many international institutions, such as the UN Security Council and international courts, are actively working to make themselves appear more legitimate as a strategy for increasing compliance. And many other actors are working to delegitimize international organizations to reduce their power. These processes are the real substance of foreign policy and international relations. A final issue concerns the accountability of legitimate international organizations for the considerable, though discreet, influence they wield. Legitimate institutions are governmental, and governmental bodies are expected to be accountable and open to opposition. We should therefore expect opposition to the institution of sovereignty and respect potential alternatives.

## **Models of Social Control**

The issue of social control is central to international relations and to all social life. This is so because some measure of order is a prerequisite to attaining most other human objectives and because attempts to create order involve imposing one set of values over others, which is a source of enormous conflict and violence. Consequently, it is worth asking where order comes from and how it is maintained in international society. All systems possess some rules governing the conduct of actors, be they laws, directives, or norms, and these rules vary in the degree to which they are followed and the reasons for compliance. Coercion, self-interest, and legitimacy constitute Weberian ideal types for modes of social control, and each generates compliance with society’s rules by a different mechanism. Although each can be analytically separated from the others, in practice they are rarely found in pure isolation. In this section, I identify the conceptual features that make each distinctive.

### *Coercion*

Coercion refers to a relation of asymmetrical physical power among agents, where this asymmetry is applied to changing the behavior of the weaker agent. The operative mechanism is fear or simple “compellance”; fear produces acquiescence. An actor who obeys a rule because of coercion is motivated by the fear of punishment from a stronger power. The rule itself is irrelevant except as a signal for what kinds of behavior will and will not incur the penalty. If a social system relies at base on

coercion to motivate compliance with its rules, we would expect to see enormous resources devoted to enforcement and surveillance and low levels of compliance when the enforcing agent is not looking.

Thomas Hobbes presents a classic argument for why society must be based on the centralization of coercive power.<sup>10</sup> The only way to move a group of individuals from the state of nature to a human society is for them to willfully concede to a central agent almost all powers of self-defense and retribution. What matters to Hobbes in this process is the transfer of material capabilities, in the shape of the physical resources needed for coercion. This does two things: it disarms the citizens relative to each other, pacifying their interactions, and it arms the Leviathan with overwhelming coercive capacity to enforce its rules. Although Hobbes' citizens join society by consent and retain a residual right to self-defense, the system is best seen as an example of a society based on coercion rather than consent, or even religious conviction, since (1) the motivation for joining is the fear of certain depredation in the state of nature, (2) the motivation for obeying the sovereign is the threatened sanction, and (3) the obligation to obey exists only while the sovereign maintains almost absolute power. The argument is sometimes made that Hobbes also relied on legitimacy or religion to help explain the maintenance of social order;<sup>11</sup> however, the Leviathan is necessary precisely because these other mechanisms cannot be counted on to do the job. For Hobbes, it is the sword that ultimately maintains compliance, since neither self-interest nor legitimacy is sufficiently compelling.

In this same tradition we can also place John Austin and the classical legal positivists, who find the essence of law in the act of enforcement. On this view, an attitude among the population of normative commitment to the rules or to their legitimacy, is unimportant. Philip Soper, a legal theorist, writes,

That many people may have such an attitude is simply a contingent fact about their personalities or about the coincidental convergence of their interests with the demands of a particular legal system; the attitude is not a necessary feature of law. After all, some people might respond positively toward gunmen too, sympathizing with a particular mugger's plight or with the justice of a terrorist's cause. Yet that possibility would not lead one to revise the judgment that in general the confrontation with gunmen is coercive.<sup>12</sup>

The importance of this model is its clear delineation of one pole in the triad of the mechanisms of social control. Its emphasis on threats and force in generating compliance comes at the expense of attention to either the normative content of rules or more complicated calculations of self-interest by actors. Coercion is a relatively simple form of social control, and it is inefficient from the point of view of the central power. It does not, in general, provoke voluntary compliance. A common lesson of studies of complex organizations is that coercion and repression tend to generate resentment and resistance, even as they produce compliance, because they operate

10. Hobbes [1651] 1968.

11. See Eisenach 1981; and Williams 1996.

12. Soper 1984, 22.

against the normative impulses of the subordinate individual or group.<sup>13</sup> As a result, each application of coercion involves an expenditure of limited social capital and reduces the likelihood that the subject will comply without coercion in the future. For this reason, few complex social orders are primarily based on coercion, although all likely resort to force at some point. Coercion and sanction are costly mechanisms of control, quite unsuited for regulating activities that require any measure of creativity or enthusiasm in subordinates. To anticipate, social orders based on coercion tend over time to either collapse from their own instability or reduce their coercive component by legitimating certain practices and creating stable expectations among actors.<sup>14</sup> Government based primarily on the centralization of coercive capacity looks like totalitarianism, like Leviathan, where each act of compliance comes from being at the wrong end of the gun.

### *Self-Interest*

A second possible motivation for compliance with rules is the belief that compliance in fact promotes one's self-interest. It is not uncommon in the social sciences to presume that such calculations of self-interest are the foundation of most social action.<sup>15</sup> This view suggests that any rule following by individuals is the result of an instrumental and calculated assessment of the net benefits of compliance versus non-compliance, with an instrumental attitude toward social structures and other people. The task of the governing agent becomes to structure incentives so that community members find compliance the most rationally attractive option. If the constitution of the system correctly manages incentives, self-interest should, as Kant predicts, allow a peaceful society "even for a people comprised of devils."<sup>16</sup> In this perspective, social interaction is modeled as an exchange and social obligations as contracts: individual decisions are calculated to maximize returns, and organizations are pillars of accumulated principal-agent contract relationships.<sup>17</sup> The fundamental political act is consent to a contract.

Self-interest needs to be carefully defined if it is to be a useful (and potentially falsifiable) concept for social science. The bounds of a self-interest explanation need to be clearly drawn so as not to subsume all other categories. Self-interest is related to coercion in that both are forms of utilitarianism.<sup>18</sup> When an actor is presented with a situation of choice that involves threats of reprisals or where the available choices have been manipulated by others, the self-interest and coercion models will follow the same logic and predict the same outcome: a risk-neutral agent should compare the benefit to be had by going forward as against the costs of the punishment multi-

13. On these backlash and control costs, see Hechter 1987, chap. 8. See also Scott 1990.

14. Kratochwil 1984.

15. For instance, Chong 1995; Ferejohn and Satz 1995; and cf. Lohmann 1995. See also the discussion in Green and Shapiro 1994.

16. Kant [1795] 1983, 124.

17. The literature in organization theory is large. A good overview is Williamson 1985. For critique, see Perrow 1986.

18. Ellis 1971, 693.

plied by the probability of the sanction being applied. As Desmond Ellis observes, “clearly these two types of solutions embrace the view that the basis of the obligation to obey norms is prudence.”<sup>19</sup> Turned around, this is the logic of deterrence. The key difference is that an application of coercion leaves the coerced actor worse off than it was beforehand (even if it accedes to the coercion out of a sense of self-interest), whereas a self-interest perspective sees the actor as better off than it would be taking any other available path (even if the menu of available paths has been coercively restricted by others). Put differently, self-interest involves *self-restraint* on the part of an actor (as does legitimacy), whereas coercion operates by *external* restraint. This implies a difference in the complexity of the incentive structure and the consequent complexity required in the respondent. By this I mean a coercive model is exclusively interested in the threat and use of physical violence, whereas the self-interested model is generalizable to a host of psychic, social, and physical incentives and disincentives.

The distinction between self-interest and legitimacy, on the other hand, can be seen through the distinction between interest and self-interest. All three models (coercion, self-interest, and legitimacy) assume actors are “interested” in the sense of pursuing their interests, and so self-interest must add something more. Actors who are interested act rationally to pursue goals, but we know nothing a priori about what those goals are. Assuming *self-interest* involves adding a presumption about the egoistic attitude of the self toward others or to the rules.<sup>20</sup> This instrumental attitude toward others remains true whether one uses a hypothetical model of absolute rationality, ignoring decision costs, or a more realistic model of bounded rationality, which accepts the cognitive and resource limits of actors. What matters is what gets included in the calculus of interest and the actor’s definition of the situation it finds itself in. Does the actor take for granted the existing structure of relations and institutions and seek to improve its position within it, or does the actor conceive of its situation *de novo* at each decision point and seek to create its maximally beneficial arrangement? The former is a status quo orientation, where at least some rules or relations are accepted and not generally challenged, and the pursuit of interests takes place within a set of structures that the actor takes for granted. Here we can say an actor is “interested.” The latter is a “self-interested” orientation in the strict sense, which implies a continuous reassessment of every rule and relationship from an instrumental point of view. Nothing is taken for granted or valued for its own sake, only for the payoff it brings to the self. This stance is fixed, not variable. Self-interest is necessarily amoral with respect to one’s obligations toward others; others are mere objects to be used instrumentally, although, of course, this does not preclude cooperative behavior if done for instrumental reasons.<sup>21</sup>

A society where compliance with rules is based principally on the self-interest of the members will exhibit several characteristic features. First, any loyalty by actors

19. *Ibid.*, 695.

20. See Jencks 1990; and Wendt 1999.

21. See Axelrod 1984; and Axelrod and Keohane 1986. See also Jencks 1990. On self-interest in economic and political realms, see the review in Citrin and Green 1990.



toward the system or its rules is contingent on the system providing a positive stream of benefits. Actors are constantly recalculating the expected payoff to remaining in the system and stand ready to abandon it immediately should some alternative promise greater utility. Such a system can be stable while the payoff structure is in equilibrium, but the actors are constantly assessing the costs and benefits of revisionism. In this way, self-interested actors are ontologically inclined to revisionism rather than to the status quo.<sup>22</sup> Second, and following from that, long-term relationships among self-interested agents are difficult to maintain because actors do not value the relation itself, only the benefits accruing from it. Such long-term relations may exist, and indeed persist, but only while the instrumental payoff remains positive. David Beetham says of this attitude: "To explain all action conforming to rules as the product of a self-interested calculation of the consequences of breaching them is to elevate the attributes of the criminal into the standard for the whole of humankind."<sup>23</sup> As a result, a social system that relies primarily on self-interest will necessarily be thin and tenuously held together and subject to drastic change in response to shifts in the structure of payoffs.

Therefore, we should avoid confusing the generic statement that individuals pursue "interests" in the sense of choosing means to achieve goals, with the particular assumption of "self-interestedness," referring to an instrumental attitude toward other actors and toward rules. Many diverse models of human behavior accept that actors pursue "interests," but they disagree on whether they are "self-interested" in this strong sense. The distinction is essential, because the controversy between self-interest and legitimacy comes in competing accounts of how interests are formed, not in whether actors pursue goals.<sup>24</sup> Without this difference, there is no behavior that could possibly contradict the self-interest hypothesis.

### *Legitimacy*

Finally, compliance with a rule may be motivated by a belief in the normative legitimacy of the rule (or in the legitimacy of the body that generated the rule). Legitimacy contributes to compliance by providing an internal reason for an actor to follow a rule. When an actor believes a rule is legitimate, compliance is no longer motivated by the simple fear of retribution, or by a calculation of self-interest, but instead by an internal sense of moral obligation: control is legitimate to the extent that it is approved or regarded as "right."<sup>25</sup> Mark Suchman, an organizational sociologist, defines legitimacy as "a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions."<sup>26</sup> This definition nicely encompasses both the sense within the individual of the appropriateness of a body, and the contextual,

22. Wendt 1999, chap. 3.

23. Beetham 1991, 27.

24. Wendt 1999, chap. 5.

25. Dahl and Lindblom 1992, 114.

26. See Suchman 1995, 574; and Habermas 1979, chap. 5.

cultural origin of the standards of appropriateness. When several individuals share a common definition of what is legitimate, we say they constitute a community.

The operative process in legitimation is the internalization by the actor of an external standard. Internalization takes place when the actor's sense of its own interests is partly constituted by a force outside itself, that is, by the standards, laws, rules, and norms present in the community, existing at the intersubjective level. A rule will become legitimate to a specific individual, and therefore become behaviorally significant, when the individual internalizes its content and reconceives his or her interests according to the rule. Compliance then becomes habitual, and it is noncompliance that requires of the individual special consideration and psychic costs. This is the kind of compliance that parents often try to instill in their children and governments socialize in their citizens: "it is right to do as I say, because I say so." One incidental consequence of internalization is the futility of statements structured in the form: "the power of legitimacy is shown when an actor complies with a legitimate rule that goes against its interests." This is internally inconsistent because the rule has affected the actor's own definition of its interests, not just the value of the payoffs of the different options. Thus the actor does not perceive a conflict between its interests and its obligations.

Legitimacy as a device of social control has long-run efficiency advantages over coercion in reducing some kinds of enforcement costs and increasing the apparent "freedom" of subordinates, although it is more expensive in the short run.<sup>27</sup> Robert A. Dahl and Charles E. Lindblom observe that "legitimacy is not indispensable to all control. Nevertheless, lack of legitimacy imposes heavy costs on the controllers. For legitimacy facilitates the operation of organizations requiring enthusiasm, loyalty, discretion, decentralization, and careful judgment."<sup>28</sup> The efficiency advantages of authority probably motivate the commonly observed impulse of the powerful to try to legitimate their power.<sup>29</sup> Max Weber noted "the generally observable need of any power, or even advantage of life, to justify itself,"<sup>30</sup> and David Beetham sees "justification" (that is, legitimacy) as one response to the inherently contested nature of political power: "Because it is so problematical, societies will seek to subject it to justifiable rules, and the powerful themselves will seek to secure consent to their power from at least the most important among their subordinates."<sup>31</sup> The internalization of external standards can also defuse Olsonian problems of collective action by

27. I do not mean to suggest this is a "perfect" uncoerced freedom, since clearly some forces of control are at work. These forces can be investigated in terms of Lukes' third dimension of power, Gramscian hegemony, or any number of "false consciousness" theories and account for why legitimacy counts as a theory of social control. Nevertheless, the individual subject to authority he or she sees as legitimate is more free in some sense than the individual who is subject to power unlegitimated by authority. This argument is taken to an (unwise) extreme in the organization theory of Chester Barnard, who argues that all authority comes from below since it is the subordinate, not the superior, who decides whether to comply with a directive; thus, the "fiction of superior authority." See Barnard 1966. For critical comment, see Perrow 1986, esp. 71–72; and Fry 1989, chap. 6.

28. Dahl and Lindblom 1992, 115.

29. Inis Claude noted this with respect to international relations. Claude 1967.

30. Weber 1978, 953.

31. Beetham 1991, 3.

causing actors to interpret the mutually cooperative option as also being the individually rational option.<sup>32</sup> Thus legitimacy can be a powerful ordering tool. Michael Hechter summarizes Emile Durkheim and Talcott Parsons, saying that “the maintenance of social order depends on the existence of a set of overarching rules of the game, rules that are to some degree internalized, or considered to be legitimate, by most actors. Not only do these rules set goals, or preferences, for each member of society, but they also specify the appropriate means by which these goals can be pursued.”<sup>33</sup>

The relation of coercion, self-interest, and legitimacy to each other is complex, and each is rarely found in anything like its pure, isolated form. Further, they are probably related to each other in a patterned, systematic fashion, in that most social structures first emerge from relations of coercion or from individual self-interest; but once established they may come to develop supporting and independent bases of legitimacy. It is sometimes suggested that legitimacy is derivative of coercion because the social consensus on which legitimacy is premised can be created by coercion. Many governance relations that are today widely accepted as legitimate began as relations of coercion, including perhaps all modern liberal democratic states.<sup>34</sup> Although I agree that the use of power in the pursuit of legitimacy is one of the more interesting aspects of legitimacy, this cannot mean that legitimacy and coercion are the same thing or that the former is reducible to the latter. Even if it began as coercion, legitimacy, as a product of internalization, operates differently than the power relation in which it originated. Precisely because something changes when a relation of coercion becomes legitimized is why studying legitimacy is worthwhile in the first place. Whatever its origins, a structure of legitimate relations operates in interestingly different ways than do structures of coercion or self-interest—they have different costs and consequences, different means of achieving compliance, and different modes of reproduction. These differences are worth knowing about. Nevertheless, this objection is useful for pointing out the temporal and historical aspects of legitimacy, which I will return to at the end of this article in the course of discussing the sources of legitimacy.

The following sections take the three devices outlined here and examine their manifestations in international relations. The motivating question is, Does the international system contain institutions or rules that are accepted by states as legitimate? The next section explores the different techniques we might use to address that question. In the third section I apply one of those techniques to aspects of the sovereignty norm. In the final section I discuss the implications for international relations of the presence of legitimate international rules.

32. Margaret Levi makes a similar point based on a slightly different notion of legitimacy, which she calls “quasi-voluntary compliance.” Her categories of “ideology” and “quasi-voluntary compliance” aim to isolate strategic calculus and ideological belief but do so at the cost of seeing normative behavior as “nonrational” and interests as fixed. My categories partly overlap hers because here norms can influence interests, and so normative behavior can still be seen as rational and based on “interests.” Levi 1988, chap. 3.

33. Hechter 1987, 3.

34. Tilly 1992.

## Looking for Legitimacy

How might we attempt to separate the operation of coercion, self-interest, and legitimacy? What should we measure to determine whether some particular rule is being followed by actors out of a sense of its legitimacy, fear of repercussions, or coincidence between the rule and the actor's self-interest? Identifying which mechanism of social control might be operating in a real-world situation is not easy. Doing so requires knowledge of actors' motivations, which may not be clear even to the actors themselves.<sup>35</sup> This difficulty affects not only those trying to study legitimacy but also anyone trying to distinguish empirically among the various mechanisms. For instance, establishing the proposition that all individual decisions are motivated by self-interest encounters exactly the same methodological problems, which may explain why that proposition, when put forward, is generally only assumed rather than tested. However, some such empirical test should exist, even if only in principle, since if the differences among mechanisms of social control matter, it is presumably because they have some significant, observable effect in the world. Abram Chayes and Antonia Handler Chayes go too far when they say that "No calculus . . . will supply a rigorous, nontautological answer to the question whether a state observed a particular treaty obligation, much less its treaty obligations generally, only when it was in its interest to do so."<sup>36</sup> In this section, I discuss five possible methods for addressing the question. Each is imperfect and each distorts in a different dimension. Which method makes sense depends on the kinds of distortion we are willing to accept for a given purpose.

First, we might inquire into the *rates of compliance*: how often do states comply with, rather than break, the rule we are studying? The answer to this question gives us some interesting aggregate information about the compliance pull of the rule or of its enforcing agents, and it *may* be that very high rates of compliance are *prima facie* evidence for the legitimacy of the rule, but it cannot help us distinguish among the three mechanisms. To take that extra step, we need a criterion for determining the degree of compliance necessary before we take the rule seriously and more information about decision makers' reasons for compliance. Since the behavioral outcome of the three mechanisms is the same (namely, compliance), we cannot base our conclusions on the observed act of compliance. As Weber noted, "the merely external fact of the order being obeyed is not sufficient to signify domination [legitimate authority] in our sense," and "[authority] involves a reciprocal relationship between rulers and ruled, in which the actual frequency of compliance is only one aspect of the fact that the power of command exists."<sup>37</sup> Simple compliance with a directive is not evidence of the presence of *legitimacy* any more than it is evidence of coercion or self-interest: to diagnose legitimacy requires a methodology for interpreting the *motives* for behavior rather than simply measuring the behavior itself. In all likelihood,

35. Nisbett and Wilson 1977.

36. Chayes and Chayes 1993, 177.

37. See Weber 1978, 946; and Bendix 1977, 292.

“almost all nations observe almost all principles of international law, and almost all of their obligations all of the time,”<sup>38</sup> but without more information about motives, it is not clear what we can take from this.

Second, we might ask about the *reasons given for compliance*: what do decision makers say is their motivation for complying with the rule in question? This might be done with respect to a single act of compliance and a single international norm or in some kind of aggregate survey of decision-makers’ attitudes toward international rules.<sup>39</sup> Inquiring into decision makers’ stated motives improves on the first method since it reaches to the reasons behind the act of compliance, but it relies on the study of rhetoric and so is subject to all the distortions we expect of public statements. We cannot rely on leaders’ own accounts of their motives after the fact, since we should expect these to be biased in one direction or another, either to make the state seem a good international citizen or a hard-headed manipulator of international opportunities.

Third, we might study the *reasons given for noncompliance*: what do decision makers say when knowingly breaking the rule? In other words, the study of excuses. This may be a way to measure the power of legitimacy if we were to find that even while apparently breaking rules, actors felt the need to justify their actions as still being within the limits of the allowable. Again, we would face the problem of sorting out lip-service from actual motivation, as well as deciding *how much* rhetorical support would constitute enough to call a norm legitimated. However, this approach and the previous one have the advantage of taking seriously the role of language and the giving of reasons in the construction of politics. The “giving of reasons” is an important political act, notwithstanding the fact that such statements might be disingenuous.<sup>40</sup> Much can be learned from actors’ use of language, even if the results of such studies are not entirely satisfying from a positivist’s standpoint.

Fourth, following Arthur L. Stinchcombe’s definition of legitimacy, we could examine whether *other centers of power come to the aid of an institution under threat*, which might be a sign that the institution is accepted as legitimate within that social structure.<sup>41</sup> If few come to the defense of a crumbling institution, we might reasonably infer that it possessed little legitimacy. A good example of this is a statement by the military during a constitutional crisis that it stands loyal to the Constitution. Again, however, we need more information to decide if the support is motivated by threats, self-interest, or legitimacy.

Finally, taking a different tack we might argue for the *logical necessity of legitimacy* within one’s broader image of the broader social structure. This might be done either by a process of elimination that shows that the other plausible modes of social control are inadequate to explain some feature of social order or by showing that the loss of legitimacy is sufficient to cause the collapse of some regime of rule following.

38. Henkin 1979, 47.

39. Tom Tyler uses this method in his study of domestic law following. Tyler 1990.

40. See Habermas 1979, chap. 5; and Kratochwil 1989.

41. Stinchcombe 1968, 158–63.

None of these methods is capable of providing answers that are strictly compelling, because none of them is really falsifiable. For each method, we could reasonably expect an equivocal result for which we could not explain the significance. What would it mean if we found that a rule of international law is followed 70 percent of the time? (or 20 percent? or 98 percent?) Or that modern war makers almost invariably justify their actions in terms of international norms? Or that the International Court of Justice has been able to “resolve” some 75 percent of the conflicts brought before it?<sup>42</sup> Are any of these facts evidence for or against the idea that some rule or body is perceived as legitimate? For that matter, would they establish whether coercion or self-interest was the basis of compliance? Almost any result from these methods would be subject to contradictory interpretations that seemed equally plausible.

The difficulties attending to an attempt to prove that a rule is or is not accepted by an actor as legitimate are real, but they do not justify either abandoning the study of legitimacy or assuming *ex ante* that legitimate rules do not exist. It is unreasonable to use the difficulty in proving the presence of any one motivation to justify the retreat to a default position that privileges another, without requiring similar proof. Something like this is done by those realists who suggest that until constructivists prove that “ideas matter” we should simply assume that coercion or deterrence is the foundation of international order. We have no better reason to *assume* coercion than to *assume* legitimacy. The point is to replace assumptions with careful analysis and observation. Similarly, the fact that we can construct an “as if” story in any situation to reconcile behavior to a self-interest explanation does not mean self-interest should be our default position either, unless we can establish that that story is more compelling as an account of *actual* motivations than that offered by other theories. Methodological difficulties signal potentially interesting questions, which should attract scholarly attention, not discourage it.

With all this in mind, I pursue something like the fifth method in the following pages—trying to spell out what the international system would look like under three different scenarios, each based on the norms of sovereignty being founded on a different one of the three mechanisms of social control. This will provide something of an illustrative first cut or plausibility test for the international application of each mode of social control. It fits, I believe, with Jeffrey Legro’s call that those studying the possible effects of norms spend more time making “explicitly relative assessment[s] of alternative explanations for the same events.”<sup>43</sup> The rationale for choosing sovereignty as the “test norm” is simple: first, it is among the most fundamental of international rules; second, it also among the most studied, with several thoughtful recent statements from diverse perspectives; and third, it is thought of by many as the strict *denial* of international authority and the quintessence of the “self-help” international system because it defines nominally independent units. For these reasons, a finding that sovereignty is an institution of “international authority” will carry significant implications.

42. Singh 1989, 227.

43. Legro 1997, 58.

## Sovereignty and Social Control in International Relations

Sovereignty in the present context refers to the principles of nonintervention and mutual recognition that create the boundaries between nominally independent states. It is “the entitlement of a state to rule over a bounded territory”<sup>44</sup> and the recognition of that right by other actors. Although these boundaries may be somewhat porous and the independence of the resulting entities is never absolute, this principle generates the distinctive patchwork of legally self-governing units that characterizes almost the entire international system today and selected parts of it since at least the Treaty of Westphalia in 1648. The precise content and limits of sovereignty have always been (and will always remain) contested;<sup>45</sup> however, the principle of nonintervention, which is its central feature, is constant. Rather than being a quality of any single state in isolation, sovereignty is a feature of the international system; it is “an institutional arrangement for organizing political life that is based on territoriality and autonomy” that defines the external limits on the power of any one government in relation to its neighbors.<sup>46</sup> In this sense, it is an international institution, using the phrase broadly, rather than a property of individual states (although it is this as well).<sup>47</sup>

The importance of the institution of sovereignty can be seen in two ways. First, it is arguably the foundational principle on which the rest of international relations is constructed.<sup>48</sup> Mutually exclusive and legally protected territorial space is what constitutes the system of states and all the diplomacy and controversy that occurs within it. Even accepting that the theory of sovereignty may no longer accurately describe (or may never have) the reality faced by most states, the organization of territorial space into recognized states remains a fundamental fact of politics. Second, the institution of sovereignty is very rarely challenged in any profound way. Although it may be disputed in particular cases, either by the occasional cross-border invasion or by assertions of “extraterritoriality” for ostensibly domestic policies, it is still widely followed in most day-to-day foreign policy decisions, and it is almost never fundamentally challenged as an organizing principle. Most challenges aim simply to redraw boundaries, to make new states out of old regions, or to include some state within another, but not to institute some other organizing scheme. In those cases where a writer does call for fundamental revision of the system—for instance, with respect to democratizing or “cosmopolitanizing” international power—the fact that political power still is largely organized into territorial states is noted as the main obstacle to needed revision.<sup>49</sup> In this way, nearly every state today can be considered to hold a “status quo” orientation toward the institution of sovereignty (even if they might contest their particular borders).<sup>50</sup>

44. Held 1995, 100.

45. Krasner 1993.

46. Krasner 1995, 119.

47. See Wendt and Friedheim 1995; and Thomson 1995.

48. Jackson and Rosberg 1982.

49. See, for instance, Held 1995; and Beitz 1979.

50. See Ruggie’s distinction between “constitutive,” “configurative,” and “positional” wars. Ruggie 1993.

The fact that sovereignty as an institution is a well-respected set of rules is much less interesting than the reasons why this is so. What motivates states to obey the rules of nonintervention? Based on the preceding discussion, we might suppose that one or a combination of the preceding motivations provides the foundation on which the edifice of sovereignty is built. In the following sections I spell out what the system of sovereignty might look like if it were built out of relations of coercion, self-interest, or legitimacy, respectively. The lesson from this is that it is highly implausible to imagine the existing state system persisting without its being widely accepted as legitimate.

### *Sovereignty as Coercion*

The international system is traditionally studied in terms of either coercion or self-interest. The “coercion school” emphasizes that the absence of a hegemon or world government means interstate relations will be characterized by a competitive struggle for security in which the capacity to physically defend the state is the primary virtue.<sup>51</sup> In this Hobbesian world where security is a scarce good, trust is an invitation to exploitation, and coercion by force is the only sure means of pursuing state objectives.<sup>52</sup> To the extent that states follow any international rules, or act as if they recognize any international obligations, they do so out of fear that noncompliance may bring a painful sanction. This reflects the legal positivists’ approach to domestic law. Consent as a basis for obligation is, in this perspective, of lesser importance, since consent can never be freely given and is always and only exacted under threat. To the extent that consent is involved in maintaining order between states, it is a “coerced consent,” akin to the nominal way a minion gives consent to follow the master’s command.

Consider what this entails for an understanding of sovereignty. If the motivation for following international rules is this fear of physical coercion, then the practice of respecting states’ borders and internal autonomy must be sustained by material deterrence; that is, international frontiers are products of a balance of coercive capacities, inside and outside the state. An equilibrium is reached between the external and inward pressure of potential aggressors and the internal and outward pressure of domestic defenses. Sovereignty, as a shared belief, as an institution, or as an idea, does not matter. Sovereignty is only the label for the pattern that emerges from this material pressure.

This image is clearly the relevant one for some of the world’s international frontiers. The boundary between Iran and Iraq wavered, through the 1970s and 1980s, according to the balance of forces between the two states. That some of these changes took place through treaties (for instance, the 1975 Algiers Protocol) rather than by direct military force only demonstrates that deterrence can be more subtle than a simple invasion—these treaties were clearly one manifestation of a deterrent balance

51. Waltz 1979.

52. The most thorough recent statement of this position is Mearsheimer 1994.



of forces.<sup>53</sup> Similarly, one could make a good case that the Balkan wars since 1991 would not have begun if the new state of Bosnia-Herzegovina had been able to marshal greater deterrent capacity at the moment of its international recognition. Bosnia's borders at the time, while internationally recognized, were underdefended in a situation where boundaries were supported mainly by deterrent enforcement. Once the war's front line was established within the bounds of Bosnia, deterrence certainly operated on the Bosnian Serb side of that frontier. General Ratko Mladic said during this time that "the existence of the [Greater] Serb Republic may be disputed in the world, but the existence of its army is indisputable. The [Greater] Serb Republic exists because we have our territory, our people, our authority, and all the attributes of a state. Whether they want to recognize it or not is their affair. The army is a fact."<sup>54</sup> This is a paradigmatic statement of the model of borders-based-on-deterrence.

However, generalizing this image to other settings raises an obvious empirical problem: many of the world's frontiers do not follow this pattern. First, many borders are largely *undefended*. These include many of the most fought-over borders in history, those of Western Europe. Second, many borders are *indefensible* by one side because of the overwhelming preponderance of force on the other side. For instance, even the most ambitious Canadian defense program would be easily swept aside by a U.S. invasion. This will be true for most borders between unequals. Given the presence of both undefended and indefensible borders, the coercion model should predict a high turnover of states and a relatively large number of state "deaths." In fact, we do not observe this, and even Kenneth Waltz notes the remarkably low death rate among states.<sup>55</sup> Since these two conditions (undefended or indefensible) describe most of the boundaries in the international system, clearly external restraint on states is not what keeps them from taking over others, and we can safely say that the system of sovereign states is not primarily a product of deterrence or of the coercion model of social control.<sup>56</sup> The wars over the borders between Iran and Iraq and of the former Yugoslav states stand out precisely because they are unusual.

What, then, is going on to support these other frontiers between states? What accounts for the daily decisions of government not to violate these borders? I turn now to the two forms of self-restraint: self-interest and legitimacy.

### *Sovereignty as Self-Interest*

Respect for sovereignty may be widespread because states do not often find violation to be in their self-interest. This is the essence of the neoliberal, instrumentalist ac-

53. Hume 1994, chap. 3.

54. Quoted in Owen 1995, 77.

55. Waltz 1979. Since 1945, only one state (South Vietnam) has been involuntarily eliminated from the system by conquest. The much more frequent conquest of entities not recognized as "states" shows the power of the institution to protect its members and also its disregard for the fate of the kinds of communities not admitted to the club of statehood.

56. This point is explored with respect to Africa by Jackson and Rosberg 1982.

count of sovereignty. Recalling the preceding generic discussion of forms of social control, self-interest refers not to mere goal-oriented behavior but to a fixed and universal instrumental attitude toward rules and other actors. The self-interested state is not only prepared to break any rule or promise if the payoff is high enough (which merely “interested” states would be equally ready to do) but also values at zero the welfare of others and *the existence of the rules themselves*, except as they contribute to its own welfare.

The self-interest explanation for sovereignty predicts at least two observable patterns, one having to do with process and the other with end-results. First, states should be constantly calculating the costs and benefits of respecting or ignoring the sovereignty of others and in their calculations should be egoistic in their valuation of outcomes. Second, whenever the result of this calculation shows a benefit from ignoring it, they should do so. This does not mean that sovereignty will necessarily be widely flouted. Good reasons exist for why a system of self-interested states might develop a pattern of general respect for sovereignty:<sup>57</sup> (1) conquest may not be profitable between modern states for reasons of the structure of advanced economies—pillage no longer works, the argument goes, when your opponent’s wealth is in services;<sup>58</sup> (2) liberal democratic rulers may be constrained by their voters from violating well-established norms of nonintervention, at least with respect to some kinds of other states (that is, liberal democratic others);<sup>59</sup> (3) states with high economic interdependence may fear disruption of those ties through war, and so act consistently with sovereignty; and (4) states may respect sovereignty because building a reputation for rule following has a payoff in future negotiations with other states.<sup>60</sup> Any of these explanations might bring a state to behave in a way that supports the pattern of sovereignty, but not directly because of any sense of connection with, or loyalty to, the rule itself.

In any instance where a state does not violate the norm of sovereignty, we could construct a post hoc explanation for that behavior that credited one of these four logics; and given the difficulty in assessing actual motives, it would be extremely difficult to confirm or disprove. However, an unfalsifiable post hoc account is insufficient in social science. We should strive for models that accurately describe how states make their decisions. This suggests examining the procedural, rather than the end-state, implication of self-interest. Whatever the end result, the *process* of constantly recalculating the costs and benefits of any course of action should be an observable constant of self-interested actors.

I suggest that we do not observe such a process, at least not with respect to the basic institution of sovereignty among the large majority of states. In fact, what we commonly observe on a daily basis is generally a “taken-for-grantedness” of borders as a whole, with calculations made only at the margins of the institution (that is, over

57. I am grateful to Steven G. Brooks for his comments on this section.

58. For review and critique of this explanation, see Liberman 1993.

59. For review and elaboration, see Russett 1993.

60. Weingast 1995.

the minutia of what nonintervention entails) or only by those few states that reject the basic premise of the system.

It is extremely rare that a foreign office considers whether or not to reject the institution of sovereignty. This is true both of the strong and the weak.<sup>61</sup> All we know about foreign policy decision making points in the other direction: that such fundamental questions are rarely considered and that a heavy bias exists in favor of the status quo.<sup>62</sup> Those states that do question such fundamentals are regarded with horror by the other actors in the system. The fact that these states are so few, and thus so notable, is what allows the rest to define them as “rogues” in contrast to the bulk of the population of states, who take the institution for granted. Instrumentalism still reigns over many state choices of means and some goals, but *not* at the level of the fundamental institution of sovereignty. The absence of instrumental thought about the basic structures of the international system is strong evidence against the proposition that self-interest is what perpetuates the sovereign state system.

We cannot account for the bulk of state frontiers and the embeddedness of sovereignty on the basis of either coercive enforcement of the rules or rationally calculated compliance. Indefensible yet persistent borders and status quo states are both strong indications in this direction. The norm of nonintervention is stronger and more widespread than either of these mechanisms could produce. This is not to say that status quo oriented, regularized behavior is uninteresting or self-explanatory. Instead, it cries out for an explanation precisely because it is seen as so “normal.” Anthony Giddens writes that “all systems of power are grounded in the predictability of day-to-day routines. The predictable—that is to say, regularized—character of day-to-day activity is not something that just ‘happens,’ it is in substantial part ‘made to happen’ by actors in the diverse settings of social life.”<sup>63</sup> How things are “made to happen” in international affairs is an important inquiry that points to the need to look further into the stability of the institution of sovereignty.

### *Sovereignty as Legitimacy*

Finally, let us consider the proposition that the institution of sovereignty exhibits the stability that it does because it is widely accepted among states as a legitimate institution. This would rest on the internalization by state actors of the rules of nonintervention in how they define their interests. The limits of sovereign power over neighbors would then be defined by an accepted scheme of spatially divided international authority.<sup>64</sup> Compliance with the international “rule” of nonintervention is, then, not a product of self-interest or the balance of power, but a function of states pursuing their *interests*, where these have been conditioned by a community standard that delimits the acceptable (territorial) reach of state sovereignty.

61. Although clearly it is more interesting when the strong, who have more choices, neglect to consider paths that involve violating sovereignty, than when the weak do the same.

62. See the introduction to foreign policy decision making in Kegley and Wittkopf 1989; and Allison 1969.

63. Giddens 1985, 11.

64. Buehrig 1965.

The process of internalization of societal norms might occur on a decentralized, rule-by-rule basis, in which an actor accepts the legitimacy of a single decision of an international organization. Or it might have a more holistic quality, in which an actor constructs for itself an identity as a “rule-following agent,” making unnecessary the questioning of any particular rule except in unusual circumstances.<sup>65</sup> Operating under such an identity, only the *breaking* of rules manifests the calculative, instrumental decision-making process that the theorists of self-interest suggest goes on for all decisions, both in compliance and noncompliance.

The internalization of the norm of nonintervention helps to explain the facts that many borders do not appear to represent frontiers between balanced armies and that, despite this absence of deterrent forces, we generally do not see states calculating at every turn the self-interested payoff to invading their neighbors. Most borders are taken for granted (and most states are status quo powers in this respect) so that such an adventure is simply not considered, and when it does happen the reaction of other states usually amply demonstrates the depth of the internalization of this norm. Sovereignty as an institution is a source of authority outside the state (if we see the state as an entity claiming exclusive and final control over a territory and people). However, it is internal to the state in the sense that it exists, and its effects are felt, because state agents believe it exists and act accordingly.

Where rule following is habitual in this way, we see the foundations for the distinction between status quo states and revisionist states, which the previous approaches simply assumed rather than opened for discussion. Status quo states accept the legitimacy of the overall structure, and in the course of most activity they work to improve their position within the constraints of existing rules and institutions. Revisionist states, on the other hand, resemble the calculative, self-interested archetype, where any action, within or without the rules, is up for consideration at each decision point. For the revisionist, opportunism reigns at every turn. Revisionist actors are seen as dangerous by others precisely because they approximate the self-interested model. However, this also explains their rarity. This calculation is what distinguishes the “status quo behavior” of self-interested states from a “status quo identity” and leads to the conclusion that self-interested states are necessarily revisionist in their identity. There are no status quo powers among self-interested actors. Status quo states are possible only under the legitimacy–internalization model.

Stephen Krasner offers an ostensibly materialist explanation of external sovereignty that, ironically, contains within it the seeds of a case in favor of legitimacy as the basis for sovereignty. After making the case that the meaning of sovereignty is contested and changing, he concludes that what we know as the “Westphalian system” was a device of the great powers to solidify their domination.<sup>66</sup> This begs the question, why did it matter that state power be legitimated? What was to be gained by using such a device? The answer is implicit in Krasner’s statement that the small ecclesiastical states of the Holy Roman Empire became more insecure as the empire

65. Wendt 1994.

66. Krasner 1993.

degenerated: “Shorn of the legitimacy they derived from the empire, they would be even more vulnerable to the predatory attacks of their larger neighbors.”<sup>67</sup> In other words, the larger states of the system respected as legitimate the borders of these new entities, and this was a source of security for the latter. These borders could not be understood as being supported by the balance of material power required of the coercive interpretation: clearly the small states were indefensible from an attack by the great powers. Similar cases are provided by Robert Jackson and Carl Rosberg with respect to the modern-day security of some African states.<sup>68</sup>

The stability of borders in such cases is a function of the legitimacy of sovereignty rules, rather than deterrence. One would conclude after reading Krasner that the norm of sovereignty, at the time of Westphalia and since, in fact constitutes an internationally mandated scheme for domestic political organization and contains the blueprint of an internationally acceptable domestic structure. In other words, it was, and remains, a model that is accepted as legitimate.

### International Authority: IR Theory “After Anarchy”

Does it matter whether some state compliance with norms is a product of legitimate institutions? Particularly if we accept, as I have suggested, that legitimacy is only one among several important mechanisms of social control, can there really be a significant payoff to adding it to our lexicon of concepts in international relations? The answer to these questions is, of course, yes. The payoff is that the presence, or even the possibility, of legitimate institutions is disproportionately significant because it signals the presence of *authority*, and because the presence of authority has consequences for the idea of *anarchy*. This final section will sketch the connections between these concepts and highlight the areas desperate for further research.

The image of the international system as an anarchy is old, trite, and nevertheless sometimes useful. The essence of the notion in its contemporary sense was present in Thucydides’ interpretation of the Peloponnesian War and his generalization that in the relations among states “the strong do what they have the power to do and the weak accept what they have to accept.”<sup>69</sup> From the concept of anarchy are deduced the many predictions and explanations that form the canon of traditional propositions in international relations theory: balance of power, constant insecurity, unstable alliances, problems of relative gains.<sup>70</sup> Anarchy is the permissive cause of interstate wars and tension and a confounding influence for international cooperation.

Students of international relations have recently begun to unpack the concept of anarchy, beyond the generic meaning of “a lack of common government.”<sup>71</sup> What is it, we might ask, that is *lacking* in an anarchy (particularly in contrast to what is said to be “present” in domestic societies)? The absence of government cannot simply

67. Krasner 1995, 247–48.

68. Jackson and Rosberg 1982.

69. Thucydides 1954, bk. V, para. 89.

70. Exemplary of this tradition is Waltz 1979. See also Brown, Lynn-Jones, and Miller 1995.

71. See Axelrod and Keohane 1986, 226; and Waltz 1979.

mean the absence of order. Not only do domestic governments often fail to provide order, but also the international system clearly exhibits some kind of order in which patterns repeat, institutions accrete, and practices are stable. Nor can it mean the absence of a Leviathan. Although domestic government relies in part on the availability of coercion to enforce rules, this cannot be the distinguishing feature of government, since many nonstate forms also use coercion to achieve goals. Further, the *monopoly* force is not distinctive, because many states (perhaps most or all) do not in practice have such a monopoly. The existence of an overarching, monopolistic, enforcing agent at a level above the nation-state would certainly mean the end of the international anarchy, but we would be more likely to call this imperialism than government, and relations of imperialism are nothing novel in international relations.<sup>72</sup>

Helen V. Milner, among others, concludes that what is lacking in an international anarchy is a structure of *authority*, defined as legitimized power.<sup>73</sup> This is the essential element of domestic governments and the key missing link in the international system. As Milner observes, "Government is based on more than coercion; it rests on institutionalized practices and well-accepted norms. . . . [and] lack of legitimacy seems in the end to be what many IR scholars have in mind when they talk about anarchy."<sup>74</sup> Milner uses this refined definition of anarchy to argue against a strict separation between domestic and international politics; I wish to use it to illustrate the implications of the argument that some international institutions persist because of their *legitimacy* rather than because of either self-interest or coercive power.

Authority is perhaps the most interesting concept in social science, sitting as it does between the ideas of power and legitimacy, of control and freedom, of civil society and the state. Max Weber is undoubtedly the modern master of the study of authority, tracing its many forms and shadows through his *Economy and Society*. Weber understood authority, or *Herrschaft*, as the condition in which power is married to legitimacy, where most compliance is unproblematic and only occasional deviance needs to be policed.<sup>75</sup> John Gerard Ruggie takes a similar approach when he says "political authority represents a fusion of power with legitimate social purpose."<sup>76</sup> Where an actor internalizes a rule because it perceives it as legitimate, that rule takes on the quality of being authoritative over the actor. The rule is then in some sense hierarchically superior to the actor, and partly determinate of the actor's behavior, by virtue of contributing to the constitution of the actor's definition of its own interests. Taken further, an organization that is perceived by an actor as a legitimate rule maker is in a position of power over the actor, but it is power in a broader sense (that is, authority) rather than the coercive power of the bully. Thus the character of

72. Several interesting recent works explore the notion that relations of neo-imperialism among states are not anarchic (Brilmayer 1994; Wendt and Friedheim 1995), but imperialism is clearly also not governmental in the sense intended here.

73. See Milner 1991; Wendt 1992; and Brilmayer 1994.

74. Milner 1991, 73, 74.

75. Thus the phrase *legitimate authority* is, strictly speaking, redundant. See Onuf and Klink 1989.

76. Ruggie 1982, 198.

power changes when it is exercised within a structure of legitimate relations, and the two concepts of power and legitimacy come together in the idea of “authority.” Peter Blau describes the relations among authority, legitimacy, and coercion in a Weberian manner: “Resort to either positive incentives or coercive measures by a person in order to influence others is *prima facie* evidence that he does not have authority over them. . . . We speak of authority, therefore, if the willing unconditional compliance of a group of people rests upon their shared beliefs that it is legitimate for the superior. . . to impose his will upon them and that it is illegitimate for them to refuse obedience.”<sup>77</sup>

An external source that defines an actor’s sense of what constitutes legitimate action must be considered a center of authoritative control, and is, for all intents and purposes, governmental.<sup>78</sup> An international system with authoritative institutions cannot be said to be “anarchic,” and indeed it displays many of the traits that we usually associate with domestic government. If we accept that some authoritative international institutions exist, by virtue of their being accepted by states as legitimate, then the international system is not an anarchy. Instead, it has segments that are governed, just as domestic states are governed, by structures that rely on normative pull to enforce their edicts. In the example used here, sovereignty is a governing institution. The fact that international authority is decentralized compared to domestic authority is an interesting difference, but not one that denies that international authority is possible. The term *anarchy* seems inappropriate for a system of decentralized authority governed by rules that actors conform to out of an internal sense of rightness.

Seeing the international system as governed by institutions of legitimate authority opens several very interesting avenues for research, three of which I will sketch here. First, what is the process by which a particular norm, rule, or institution comes to be seen as legitimate? States are somewhat discriminating in which rules they accept as legitimate (although they are not completely free agents in this regard), and so not all potential norms are internalized. Much more could be known about how a given norm comes to be accepted or not. For instance, could we say that the international market has recently become legitimate and so authoritative in this sense? This direction is suggested by recent work on how elements of the international economy have become “disembedded” from domestic political control.<sup>79</sup> A related puzzle, much discussed in studies of domestic institutions, particularly courts, is how a political institution might alter its behavior in order to make itself more *authoritative* (and thus effective). Two international institutions, the International Court of Justice and the UN Security Council, seem quite aware that their present actions have consequences for their future legitimacy and that their legitimacy affects their power and effectiveness.<sup>80</sup> These two areas, international courts and international markets, are

77. Blau 1963, 307.

78. Foucault 1979. Krasner disagrees, apparently because he does not believe nonstate actors can be authoritative. Krasner 1995, fn.1

79. For work in this direction, see Ruggie 1982; Murphy 1994; and Strange 1995.

80. On the legitimacy of the Security Council, see Alvarez 1995; Caron 1993; Russett 1997; and Hurd 1999.

fertile ground for the further study of legitimacy and legitimation of international institutions. Moreover, because the process of legitimation is never monolithic, the legitimation of these institutions has generated counteractive delegitimizing efforts. In the case of the Security Council, Libya since 1992 has pursued a determined strategy to delegitimize the UN sanctions against it by portraying the council as unrepresentative of the will of the wider international community.<sup>81</sup>

The legitimacy pull of the UN Security Council can be demonstrated by Japan's response to sanctions on North Korea in 1994. While the UN Security Council was considering imposing sanctions on North Korea for its surreptitious nuclear program, Japan expressed its opposition to sanctions both publicly and in informal consultations with the Security Council. An essential element in any sanctions program would have been to forbid the remittances of Koreans living in Japan back to North Korea; these remittances accounted for between \$600 million and \$1.8 billion of North Korea's annual gross national product of \$20 billion.<sup>82</sup> For this and other reasons, Japan opposed strong sanctions and worked hard to delay, diminish, or defeat the proposal. Yet at the same time, the Japanese government publicly stated that notwithstanding its opposition, it would abide by the final decision of the council.<sup>83</sup> On the one hand, given the legal status of Security Council resolutions one might expect nothing less than full compliance by member states. But on the other, and more realistically, this is a strong sign that Japan accepted the legitimacy of a Security Council decision, even with a medium probability of an adverse outcome, and even without formal Japanese presence in the deliberations of the council.<sup>84</sup> This strong, public, and a priori commitment to the rule of law in international affairs may have been motivated by a desire to appear a "good community member" (and so improve Japan's case for permanent membership in a reformed Security Council) or by an actual normative commitment to the rules as they are. In either case, Japan was conscious that the international community holds Security Council decisions as legitimate and sees compliance with them as the duty of a good international citizen.<sup>85</sup> This has been particularly true since the late-1980s with the increase in consensus and consultations in the Security Council.

A second area for further research is the role of power (material and ideological) in making an institution legitimate. It is well known that the process of internalizing community norms is rife with considerations of power, both in determining what norms exist in the community and which norms a particular actor might latch on to, but at the same time this process is different from simple coercion. Power is involved in creating the realm of the apparently "normal" as well as in reproducing and challenging its hegemony through ideology and institutions. Here, my only aim has been to make the case that legitimate authority exists in international relations and show

81. Hurd n.d.

82. *New York Times*, 3 June 1994, A1.

83. *New York Times*, 9 June 1994, A1.

84. On the question of formal versus informal membership, see Hurd 1997.

85. Signatories to the Optional Protocol of the Statute of the International Court of Justice (Art. 36, para. 2) are making a similar commitment. See the discussion in Harris 1991, 923–27.



what difference this makes, not delve into the process by which an institution *became* legitimate. This second task is important and requires extending the application of writers like Antonio Gramsci,<sup>86</sup> Michel Foucault,<sup>87</sup> and Pierre Bourdieu<sup>88</sup> to international relations.

Finally, what happens in the international setting to the safeguards we generally expect of our governing institutions, such as representativeness and accountability? If international institutions can be authoritative, how do we make them accountable? Certain international institutions, such as the UN, are already recognized as sufficiently governmental that they are expected to be somewhat democratic,<sup>89</sup> but international democracy and accountability will have to be much more widely promoted once we recognize that any institution that is accepted as legitimate stands in a position of authority over states and thus exercises power. The power of these institutions runs deep and sometimes orders our lives in ways that are rarely recognized and difficult to democratize. For instance, the fact that sovereignty is taken for granted has the effect of imposing a “nation-state” system of classification and language on social relations and of excluding other images from consideration in official institutions. The history of U.S. courts’ decisions on jurisdiction and extraterritoriality shows a consistent effort to see individuals in terms of the categories of citizen and alien, even when doing so requires torturing the evidence and ignoring more prominent similarities or expressed loyalties cutting across the classes of alien and citizen. In *Benz v. Compagnia Naviera Hidalgo*,<sup>90</sup> a U.S. District Court ordered an U.S. sailors’ union to cease assisting the foreign crew of a Liberian-flagged ship in a dispute with its owners while the ship was docked in Oregon. The court rejected arguments of transnational loyalty among sailors and read the facts in light of citizen and noncitizen. However, the “American sailors . . . identified with the dispute and viewed it as their ‘own.’ The jurisdictional discourse, however, forced them to express the dispute differently—not as one that affected the community of sailors, but as one that harmed the U.S.”<sup>91</sup> The legitimacy of the sovereignty mental image in the offices of the state forecloses mapping the social world in ways not founded on territory and “nation.” It reproduces the naturalness of the state.

## Conclusion

In summary, we have reason to believe that legitimacy matters to international institutions and to the nature of the international system as a whole. We have, in fact, two reasons: one is the analogy with domestic social systems where legitimacy is a common emergent feature, and the other the direct case of sovereignty as a legitimated

86. A good discussion is provided in Femia 1981; and in the essays in Gill 1993.

87. For instance, Keely 1990.

88. For instance, Williams 1997.

89. On democratizing the UN, see Krasno 1996; and Russett 1997.

90. 353 U.S. 138 (1957).

91. *Harvard Law Review* 1990, vol. 103, no. 6, 1292.

norm. If legitimate authority does in fact exist, at least in the parts of the system characterized by a sense of community among states, then the system cannot be described as an anarchy in the traditional sense—and if some sections of the system are not anarchic, then a pantheon of traditional propositions is also in doubt. Anarchy-based neorealism and neoliberalism might continue to be relevant for those sections of the system where community norms and shared beliefs are not significant, but for the rest new concepts would be needed. Thus a central question in studies of international relations for the twenty-first century must be, If the international society is not an anarchy, what is it? This is a call for a political theory of international relations “*after anarchy.*”

The arguments presented here may be fairly read as an attempt to revive the domestic analogy in the study of international society. A proper application of the domestic analogy should begin with a recognition that the basis of social order in many domestic systems is legitimate authority and not coercion or self-interest. As critical as he was of most kinds of domestic analogy, Hedley Bull recognized the significance for international relations of the fact that “order in the modern state” is maintained “not by directly upholding or implementing the rules, but by shaping, molding, or managing the social environment in which the rules operate in such a way that they have the opportunity of continuing to do so.”<sup>92</sup> In some domains international order is maintained in the same way. Turning around the domestic analogy, the arguments presented in this article demonstrate once again the historically contingent nature of the state. There is nothing unique about the organization of authority into a territorial government. Authority can exist (and coexist) in many institutional arrangements, of which the legitimate international institution is one and the territorial state is another.<sup>93</sup> An important question is “can our theories of the state accommodate a locus of authority outside the state?”

With this in mind, the search for the source of international order on the domestic model does not end at the obvious fact that no international government exists. Instead, it continues on to look for evidence of international community and of the norms and rules that such a community presses onto individual states. The advanced industrial states at the end of the twentieth century constitute an international community of unparalleled depth and breadth, and the norms they follow, from the fundamental rules of sovereignty to the complex rules of commerce and regulation, are evidence of the ordering power of that community. Sovereignty is thus one mode of international governance without an international government.<sup>94</sup> This conclusion is, I believe, generalizable to many of the rules and regimes present in the international system today, including collective security and some liberal economic institutions. Defense of these generalizations cannot be made here, but stand as worthwhile further research into the topic of the bases of international order. Hints in this direction

92. Bull 1995, 57.

93. Interesting on the historicity of sovereignty are Ruggie 1983; Ashley 1986; and Thomson 1995.

94. The notion of “governance without government” is elaborated in Young 1994; and Rosenau and Czempel 1992; among others.

are provided by Ruggie<sup>95</sup> with respect to the liberal international economy, by Wendt with respect to the Western system of collective security in the Cold War,<sup>96</sup> and by Chayes and Chayes on international regulation.<sup>97</sup>

My argument about the existence of international rules that some states accept as legitimate may be wrong. However, any counterargument against this thesis must provide an explanation for why international society should have only two or one structure(s) of order (coercion and/or self-interest) while domestic societies can have three (coercion, self-interest, and legitimate authority). Such an account cannot be based on the absence of a centralized international government as the difference, since the presence of order in the absence of government is precisely the phenomenon we are trying to explain. Even if one disagrees with the thesis that the international system contains some institutions of legitimate authority, there remains the difficulty of justifying the present tendency of many scholars to reject a priori that such a thing is conceivable. To be compelling, that rejection must account for why the international social system should be incapable of developing structures and forms that hold such an important place in domestic social spheres systems.

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95. Ruggie 1982.

96. Wendt 1994.

97. Chayes and Chayes 1995.

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