

# **Locating Authority in the International System: Authoritative Rules and Post-Anarchy International Relations Theory**

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## **Abstract:**

Authority has generally been treated in International Relations theory as a matter of whether one actor has an entitlement to command another actor with a corresponding duty to obey. The first section of the paper discusses authority in relation to several critical adjacent concepts including anarchy, hierarchy, power and legitimacy. In the second section of this paper, I argue that existing conceptions of authority have led IR scholars to overlook the authority-bearing potential of rules and institutions, resulting in a partial understanding of authority in social life. The third section explores the implications for IR theory of understanding rules and institutions as authority-bearing objects. In particular, I argue that the payoff from conceiving authority in this more expansive manner is to illuminate the stark limits of the anarchy assumption, and to open key questions about the contours of post-anarchic understandings of the international system – in line with recent constructivist and English School scholarship. It thus shows the importance of a more sustained and serious engagement with international history (and particularly with ancient and non-Western histories) for central contemporary debates in IR theory, such as the debate on authority and hierarchy in the international system.

A rapidly-increasing number of studies either question or reject the axiomatic status of anarchy as the singular organizing principle of the international system.<sup>1</sup> This literature suggests, at minimum, that anarchy (typically expressed in institutional terms as emanating from sovereignty) exists alongside other institutions that also comprise parts of the structure of the international system.<sup>2</sup> Some authors make stronger claims to the effect that the system has in fact been characterized by actual examples of hierarchy.<sup>3</sup>

The purpose of this article is not to evaluate the degree of hierarchy or anarchy in the international system. Following the literature on hierarchy, I take that to be an empirical question with an answer that varies over both space and time. Rather, I am interested in the way hierarchy and authority are treated conceptually. Extant literature has typically treated authority as a property of an actor or of a relationship between actors.<sup>4</sup> While I do not deny that it is sensible and appropriate to speak of authoritative actors and of authority relations, I argue that this focus has tended to obscure two important points: first, that both authoritative actors and authority relations acquire their authoritative status from (often unwritten) rules; and, second, that rules can themselves be authority-bearing objects. The latter point suggests that it is possible for authority to exist in the absence either of an authoritative actor or of social relations of super- and subordination. The primary payoff from recognizing the authority-bearing potential of rules and institutions is to highlight the clear limits of the anarchy assumption and to open key questions about the contours of post-anarchic understandings of the international system.

The paper is divided into three sections. The first section treats authority in relation to several critical adjacent concepts including anarchy, hierarchy, power, and legitimacy. It then reviews the literature and argues that many (though not all) existing accounts of authority and hierarchy in International Relations (IR) treat authority as a property of an actor or a relationship. The second section advances my central argument: that inadequate attention to the authority-bearing potential of rules and institutions has left the field with a partial understanding of authority in social life. The third section

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<sup>1</sup> The field's discomfort with anarchy as an organizing principle is not new, though the development of an extensive literature pursuing alternatives is. Early criticisms of the anarchy assumption include Nicholas Greenwood Onuf, *World of Our Making: Rules and Rule in Social Theory and International Relations* (Milton Park: Routledge, 2013 [1989]); Helen V. Milner, "The Assumption of Anarchy in International Relations Theory: A Critique," *Review of International Studies* 17.1 (1991): 67-85; and John Gerard Ruggie, "Continuity and Transformation in the World Polity: Toward a Neorealist Synthesis," *World Politics* 35.2 (1983): 261-285.

<sup>2</sup> Examples of this view include Christian Reus-Smit, *The Moral Purpose of the State: Culture, Social Identity, and Institutional Rationality in International Relations* (Princeton: Princeton University Press, 1999); Kalevi J. Holsti, *Taming the Sovereigns: Institutional Change in International Politics* (Cambridge: Cambridge University Press, 2004); Barry Buzan, *From International to World Society? English School Theory and the Social Structure of Globalisation* (Cambridge: Cambridge University Press, 2004); Jack Donnelly, "The Elements of Structures of International Systems," *International Organization* 66.4 (2012).

<sup>3</sup> See, for example: David A. Lake, "Escape from the State of Nature, Authority and Hierarchy in World Politics," *International Security* 32.1 (2007); John M. Hobson and J.C. Sharman, "The Enduring Place of Hierarchy in World Politics: Tracing the Social Logics of Hierarchy and Political Change," *European Journal of International Relations* 11.1 (2005); J.C. Sharman, "International Hierarchies and Contemporary Imperial Governance: A Tale of Three Kingdoms," *European Journal of International Relations* 19.2 (2013); Ahsan Butt, "Anarchy and Hierarchy in International Relations: Examining South America's War-Prone Decade, 1932-41," *International Organization* 67.3 (2013); Edward Keene, "A Case Study of the Construction of International Hierarchy: British Treaty-Making Against the Slave Trade in the Early Nineteenth Century," *International Organization* 61.2 (2007); Edward Keene, "International Hierarchy and the Origins of the Modern Practice of Intervention," *Review of International Studies* 39.5 (2013): 1077-1090; Jack Donnelly, "Sovereign Inequalities and Hierarchy in Anarchy: American Power and International Society," *European Journal of International Relations* 12.2 (2006): 139-170.

<sup>4</sup> It has also been treated as a binary property, though I do not take up that issue in this paper.

concludes by addressing the implications of treating rules and institutions as authority-bearing objects for IR theory.

### ***Authority in International Relations Theory***

Authority can be usefully located in two clusters of adjacent concepts. The first such cluster of concepts elaborates the effects or consequences of authority, and consists of anarchy, hierarchy and authority. Authority entails relations of super- and subordination in which “some are entitled to command” and “others are required to obey.”<sup>5</sup> Anarchy, understood in terms of the absence of authority relations, is placed in a binary relationship with hierarchy (or the presence of authority relations). Thus, authority is what distinguishes anarchy from hierarchy.

Authority is also inextricably related to a second complex of concepts that deals with its conditions of possibility; this cluster contains authority, power and legitimacy. The crucial difference between power and authority is that authority entails the right to be obeyed, rather than merely the ability to get an actor to do something it would not otherwise do. It therefore includes a dimension of oughtness.<sup>6</sup> While not all instances of power involve authority, authority is nevertheless a vital power resource.<sup>7</sup>

Beyond this initial characterization of authority in relation to adjacent concepts, it is possible to identify three ways of treating authority within the IR literature. The first such camp might be called denialist, in that it rejects the possibility of the existence of authority above the level of the state. It does so on two grounds: a materialist ground, and a formal-legal ground.<sup>8</sup> The materialist ground is reflected in Waltz’s assertion that “whatever elements of authority emerge international are barely once removed from the capability that provides the foundation for the appearance of those elements.” From this he concludes that “authority quickly reduces to a particular expression of capability.” Denialists also employ a narrow conception of authority as entailing the existence of supranational government, or an authoritative actor constituted by legal rules. The core of this position is Waltz’s domestic analogy, and the argument that states are functionally undifferentiated ‘like units’.<sup>9</sup> On this view, the existence of authority requires an agent. Waltz argues, explicitly, that “in the absence of agents with system-wide authority, formal relations of super- and subordination fail to develop.”<sup>10</sup>

The denialist position is clearly identifiable in John Mearsheimer’s argument that international institutions are epiphenomenal and simply reflect the material distribution of power (and thus the preferences of the most powerful actors),<sup>11</sup> as well as in his offensive realist conception of the international system. In articulating his offensive realist position, Mearsheimer is clear that the international system is characterized by “the absence of a central authority that sits above states and can protect them from each other”, and also that in such a system great powers compete for hegemony,

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<sup>5</sup> Kenneth N. Waltz, *Theory of International Politics* (Boston: McGraw-Hill, 1979), p. 88.

<sup>6</sup> Ian Hurd, “Legitimacy and Authority in International Politics,” *International Organization* 53.2 (1999): 379.

<sup>7</sup> The best current conceptualization of power in international relations, including authority as a power resource, is provided by Michael Barnett and Raymond Duvall, “Power in International Politics,” *International Organization* 59.1 (2005). On authority as a power resource, see: Rodney Bruce Hall, “Moral Authority as a Power Resource,” *International Organization* 51.4 (1997): 591-622; David A. Lake, “Escape from the State of Nature,” *International Security* 32.1 (2007): 51.

<sup>8</sup> The latter point is made by David A. Lake, who contrasts this formal-legal view of authority with his preferred relational conception; I return to this point below. Lake (2007): 53-54.

<sup>9</sup> For criticism of this argument see, among others, Donnelly (2012).

<sup>10</sup> Waltz (1979), p. 88.

<sup>11</sup> John J. Mearsheimer, “The False Promise of International Institutions,” *International Security* 19.3 (1994/95): 5-49.

which is defined in material terms as entailing a situation where “no other state has the military wherewithal to put up a serious fight” against the sole great power.<sup>12</sup> It has also found expression in a recent strand of scholarship in international law, expressed most notably in the work of Jack L. Goldsmith and Eric A. Posner, who argue that international law has little influence in a system of sovereign states driven by calculations of their self-interest.<sup>13</sup> This argument rejects the notion that effective authority can exist in the international system, and associates authority with an authoritative actor in that international law is portrayed as less authoritative than domestic law due to the absence of an overarching authoritative actor.

Stephen D. Krasner advances an alternate denialist position. Rather than denying the possibility of the existence of authority in the international system, he makes the empirical claim that “the international system is an environment in which the logics of consequences dominate the logics of appropriateness.” On this view, “outcomes in the international system are determined by rulers whose violation of, or adherence to, international principles or rules is based on calculations of material and ideational interests, not taken-for-granted practices derived from some overarching institutional structures or deeply embedded generative grammars.”<sup>14</sup> While Krasner’s argument acknowledges the existence of the institution of sovereignty and its associated logics of appropriateness, he denies the social efficacy of these rules, in large part because “there is no hierarchical structure to prevent rulers from violating the logics of appropriateness associated with mutual recognition or the exclusion of external authority.” The absence of an agent able to enforce authoritative rules provides a permissive environment for rule-breaking. However, in rendering the question an empirical one, Krasner opens space for alternate interpretations and conclusions about the degree of effective authority present in the international system.<sup>15</sup>

A second approach to authority in IR theory can be found in the work of David A. Lake. Lake advances a contractarian and relational approach to authority that he contrasts with the formal-legal notion of the concept employed by denialists. He argues that “a political relationship is anarchic if the units – in this case, states – possess no authority over one another. It is hierarchic when one unit, the dominant state, possesses authority over a second, subordinate state.” In turn, “political authority is most simply defined as rightful rule. When political authority is exercised, the dominant state commands a subordinate state to alter its behavior, where command implies that the former has the right to order the latter to take certain actions. This right, in turn, implies a correlative obligation or duty by the subordinate state to comply, if possible, with the dominant state’s order.” Finally, it implies “a further correlative right by the dominant state to enforce its command in the event of noncompliance.”<sup>16</sup>

In this account, Lake is clear that authority is relational in the specific sense of a mutually beneficial exchange between rational actors, “in which the ruler provides the order demanded by subordinates, and they in turn accept the authority of the ruler to impose taxes or other extractions and to exert the restraints on their behavior necessary to provide that social order.”<sup>17</sup> Thus, authority is given additional substantive content in two senses. First, Lake’s account reduces social relations to mutually beneficial exchanges between rational actors. As a result, his account of authority is problematic in another sense, beyond its reliance on the existence of an authoritative actor. As Jason

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<sup>12</sup> John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: W.W. Norton & Company, 2001), p. 3, p. 40.

<sup>13</sup> Jack L. Goldsmith and Eric A. Posner, *The Limits of International Law* (Oxford: Oxford University Press, 2006).

<sup>14</sup> Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999), p. 3, p. 9.

<sup>15</sup> This point is noted in Sharman (2013), p. 193.

<sup>16</sup> Lake (2007), p. 50.

<sup>17</sup> Lake (2007), p. 54. This exchange understanding of authority relations is also adopted in Butt (2013).

Sharman has pointed out, it contains an underlying social-theoretic tension: “Lake speaks of authority in terms of legitimacy, obligation, rightful commands and duties of obedience. All these terms are a poor fit, however, with a notion of calculated compliance only to the degree that subordinates see a marginal benefit as a result. Indeed, paying actors to do one’s will is usually seen as the opposite of legitimate authority”.<sup>18</sup> Lake thus gives an account of authority in terms of coercion and self-interest, rather than in terms of legitimacy. Second, authority is rendered a property of an actor, and only an actor. It is impossible for a rule or institution to be authoritative in Lake’s account if for no other reason than that it is impossible to bargain and reach a mutually beneficial agreement with a rule or institution.<sup>19</sup> Accordingly, in the remainder of this article, I adopt an explicitly constructivist conception of authority that relaxes both Lake’s position on the social-theoretic basis of authority and his requirement that authority is exclusively the property of an actor.

### ***The Authority-Bearing Potential of Rules and Institutions***

Scholars in the constructivist and English School communities have made valuable contributions to the study of power, legitimacy, authority, social structure and hierarchy in the international system. In building on their work in this article, I seek to contribute to the constructivist literature on hierarchy and authority by foregrounding the authority-bearing potential of rules and institutions, which is sometimes left implicit and also obscured by engagement with rationalist positions.

Since demonstrating the importance of allowing for the authority-bearing potential of rules and institutions is my primary purpose in this article, I believe it important to dwell a bit on approaches to authority in the constructivist literature. While different authors are more or less explicit about the possibility that rules and institutions can be authoritative, I seek to show that such an understanding is at least consistent with the approach taken in a variety of compelling constructivist studies of hierarchy in particular and of the international system more generally. In doing so, I am not attempting to argue for the adoption of one particular variant of constructivism over another.<sup>20</sup> I am seeking instead to make the more limited case that a rule-oriented constructivism can, in conjunction with recent practice-turn constructivism, shed light on an important and overlooked dimension of authority in social life.<sup>21</sup>

Hurd explicitly casts his discussion of legitimacy and authority in terms of rules and institutions as authority-bearing objects. He defines legitimacy as “the normative belief by an actor that a rule or institution ought to be obeyed.” On his view, legitimacy “is a subjective quality, relational between actor and institution, and defined by the actor’s *perception* of the institution.” That perception, in turn, “may

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<sup>18</sup> Sharman (2013), p. 197.

<sup>19</sup> Note, here, that I mean institutions in the narrow sense of “stable sets of norms, rules, and principles that serve two functions in shaping social relations: they constitute actors as knowledgeable social agents, and they regulate behavior.” Reus-Smit (1999), p. 12-13. IR scholars often slip too easily between this narrow sense of an institution and the more common language appellation of the label to what are actually international organizations. It is, of course, possible to bargain and reach agreement with an organization, or at least with individuals empowered (by rules and institutions) to act on behalf of the organization.

<sup>20</sup> On variants of constructivism, see Emanuel Adler, “Seizing the Middle Ground: Constructivism in World Politics,” *European Journal of International Relations* 3.3 (1997): 319-363; John Gerard Ruggie, “What Makes the World Hang Together? Neo-utilitarianism and the Social Constructivist Challenge,” *International Organization* 52.4 (1998): 855-885; Richard Price and Christian Reus-Smit, “Dangerous Liaisons? Critical International Theory and Constructivism,” *European Journal of International Relations* 4.3 (1998): 259-294.

<sup>21</sup> Key statements of rule-oriented constructivism include Onuf (2013 [1989]); and Friedrich V. Kratochwil, *Rules, Norms, and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs* (Cambridge: Cambridge University Press, 1989). On the practice turn, see Emanuel Adler and Vincent Pouliot, “International Practices,” *International Theory* 3.1 (2011): 1-36.

come from the substance of the rule or from the procedure or source by which it was constituted.”<sup>22</sup> Further, when a rule is regarded as legitimate, it “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 actor’s definition of its own interests.”<sup>23</sup>

Much of the best work on hierarchy in the international system has been done by scholars working at the intersection of constructivist and English School IR theory. While not always as explicit as Hurd, these authors nonetheless rely on understandings of the social world fully consistent with the view that rules and institutions can be obligatory – and thereby authoritative. Hobson and Sharman argue that “hierarchy in international politics is defined as a relationship between two (or more) actors whereby one is entitled to command and the other is obligated to obey, and this relationship is recognized as right and legitimate by each.”<sup>24</sup> This is a clearly actor-centric understanding of authority, in which authority exists only in relations between actors. However, their empirical argument carefully demonstrates the existence of what they call social logics of hierarchy that established relations of super- and subordination as the ideas that constitute them were diffused and internalized. In Sharman’s more recent extension of this work to the study of contemporary imperial governance, he shows (paradoxically from the point of view of Lake’s contractual argument) that these arrangements persist because the imperial powers are reluctantly constrained by particular logics of appropriateness to perpetuate the arrangements even though they entail substantial material losses.<sup>25</sup>

These social logics and logics of appropriateness constitute actors’ identities, both empowering and constraining them to behave in particular ways. Notably, however, these rules are not determinate. They shape, rather than dictate, behavior. They are sometimes internally unclear or even inconsistent (as in this case of the status of British Dominions starting in the later nineteenth century),<sup>26</sup> and more often actors experience ambiguity and uncertainty as a result of potentially conflicting requirements of different identities or rule-sets (as in the conflict between rules of sovereignty, self-determination and decolonization in Sharman’s study of anachronistic formal dependencies). The key point is that these identities are structured by social expectations that effectively exert authority over actors with respect to their choices.

A similar dynamic is present in Keene’s work on hierarchy in international politics. He notes that British policy during its efforts to abolish the slave trade were shaped by “a new discourse... that not only stressed the importance of treaties as a source of international law but also insisted that treaty-making competence was to be reserved to ‘civilized’ states alone.”<sup>27</sup> Importantly, Keene finds that these ideas constrained British choices even to the point of inducing them to accept sub-optimal treaty arrangements rather than extending egalitarian treaty terms to non-European rulers.<sup>28</sup> Discourses also play an important role in defining the terms of social action in Keene’s work on the emergence of the modern practice of intervention. In this case, Keene concludes that “the hierarchical structure of international society determines the specific qualifications and restrictions on sovereignty that operate within the practice of intervention at any given time, and so decides what is always one of the central questions: *who* has the right to intervene against *whom*.”<sup>29</sup> To the extent that actors comply with these

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<sup>22</sup> Hurd (1999), p. 380.

<sup>23</sup> Hurd (1999), p. 400.

<sup>24</sup> Hobson and Sharman (2005), p. 69-70.

<sup>25</sup> Sharman (2013), p. 200.

<sup>26</sup> Hobson and Sharman (2005), p. 73.

<sup>27</sup> Keene (2007), p. 314.

<sup>28</sup> Keene (2007), p. 315.

<sup>29</sup> Keene (2013), p. 1078.

discourses and structures as a result of having internalized them, they are authoritative or obligatory from the perspective of the actor, as Hurd maintains.

This understanding of rules and institutions (and their representations in discourse) as obligatory and authoritative is closely connected with the notion that shared or intersubjective ideas constitute and structure the social world, including actors' identities. Constructivist work on the social structure of the international system can thus be seen as providing an account of authoritative rules and institutions that establish parameters for actors' concrete social practices.<sup>30</sup> These studies have consistently found that international system structure often has a deeply taken-for-granted quality very similar to the notion that obeying is obligatory, which goes to the heart of authority and its distinctive effects. This literature, defined broadly to include the empirical literature on hierarchy, provides a valuable corrective to the field's longstanding tendency to reduce a much more nuanced and complex social environment to the twin notions of anarchy and sovereignty.

Indeed, a number of authors have explicitly argued for shedding anarchy as the theoretical baseline for the international system. They often do so on the basis that anarchy itself is highly indeterminate and that patterns of behavior often attributed to anarchy must be explained by social rules and institutions overlooked in denialist accounts.<sup>31</sup> These insights into the variation in, and the effects of, international social structures would be severely limited without the possibility that rules and institutions can be legitimate, obligatory and therefore authoritative. If they lacked that potential, their power to structure social life would rest exclusively on coercion and actor calculations of self-interest. Put another way, the argument I am making here is that authoritative rules and institutions effectively exert legitimate structural and productive power over agents.<sup>32</sup> While this point in itself is not new, constructivist work on authority has thus far proceeded somewhat apart from constructivist work on the structure of the international system more generally.

These structural or productive effects suggest that denying or overlooking the authority-bearing potential of rules and institutions is especially problematic because it risks rendering invisible many of the most taken-for-granted – and thus most legitimate – instances of authority in social life. In such cases, there may be little visible enforcement. To the extent that analysts have also deeply internalized these rules in their understandings of the international system, they may recede into the background as things that appear obvious and uninteresting, and thus escape scholarly scrutiny. The constructivist literature investigating the nature of anarchy and sovereignty is an excellent example of the value of questioning these kinds of foundational beliefs held both by practitioners and scholars. The lack of visible enforcement associated with many deeply legitimate social rules and institutions is admittedly methodologically problematic. However, constructivists have addressed these issues by pointing out the possibility of studying actors' justificatory and evaluative statements about the existence and legitimacy of rules and institutions.<sup>33</sup> Further, these problems of identifying deeply-held shared beliefs are in no way unique to the international system or more serious in this case than in other social contexts.

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<sup>30</sup> Among many others, see: Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, 3<sup>rd</sup> ed. (New York: Columbia University Press, 2002 [1977]); Reus-Smit (1999); Wendt (1999); Mlada Bukovansky, *Legitimacy and Power Politics: The American and French Revolutions in International Political Culture* (Princeton: Princeton University Press, 2002); Holsti (2004); Daniel H. Nexon, *The Struggle for Power in Early Modern Europe: Religious Conflict, Dynastic Empires and International Change* (Princeton: Princeton University Press, 2009).

<sup>31</sup> Wendt (1992); Hurd (1999), p. 381-382; Donnelly (2012), p. 625.

<sup>32</sup> Barnett and Duvall (2005), p. 52-57.

<sup>33</sup> On such approaches generally, see Hurd (1999), p. 390-392. For a recent application see Martin Binder and Monika Heupel, "The Legitimacy of the UN Security Council: Evidence from Recent General Assembly Debates," *International Studies Quarterly*, Early View online, DOI: 10.1111/isqu.12134. On constructivist approaches to methodology, see also Vincent Pouliot, "'Subjectivism': Toward a Constructivist Methodology," *International Studies Quarterly* 51.2 (2007): 359-384.

A constructivist understanding of authority also suggests that the authority-bearing potential of rules and institutions is central even to cases where there is an authoritative agent, including where those agents and their subordinates specifically found their authority relations in notions of contractual exchange. The central hallmarks of authority are that it is based on understandings of rightful behavior for particular kinds of agents in particular circumstances, and that it involves compliance due to a sense of legitimacy or internalization.<sup>34</sup> Agents acquire these understandings from their identities, which are in significant part a product of their socialization into specific communities that expect their members to comply with relevant rules and standards.<sup>35</sup> Lake's bargaining agents do not do so in the absence of shared knowledge. At minimum, agents must know both how to bargain with each other to create authority relations between them and must also share the belief that it is appropriate to do so.<sup>36</sup> Otherwise, what is being created is not authority but rather a relation of coercion or (at best) a mutually beneficial instance of cooperation. This background knowledge shapes both the initial creation of authority relations as well as actors' subsequent evaluations of conduct within situations of authority. Lake's argument thus smuggles in, and depends crucially on, assumptions about the kinds of constitutive and procedural rules actors are aware of and the ways in which these rules structure their shared social practices.<sup>37</sup>

Drawing on Lake's own example, to the extent that military action in Iraq after 2003 has undermined American authority in the international system,<sup>38</sup> this is in important part because smaller or subordinate states had the actual expectation that American power was bounded in certain specific ways.<sup>39</sup> That is, this corrosion of American authority is a contingent effect that springs from intersubjective agreements between the relevant actors rather than a general account of authority. It seems likely that American violations of modern international rules structuring the practice of intervention shaped the responses of other states.<sup>40</sup> In contrast, it is possible (though unlikely under current conditions) for authority relations to exist in which rules allowed some actors wider latitude to intervene. Keene documents such conditions in his work on the early modern European case, which allowed such actions under fairly egalitarian conditions. Under different rule-sets, similar actions may have different results.

It might be objected that asserting the authority-bearing potential of rules and institutions is a category error because rules and institutions cannot hold rights, including the right to be obeyed that

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<sup>34</sup> Hurd (1999), p. 379-380; Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999), p. 268-278.

<sup>35</sup> On socialization, see Alastair Iain Johnston, "Treating International Institutions as Social Environments," *International Studies Quarterly* 45.4 (2001): 487-515.

<sup>36</sup> The presence of logics of appropriateness even in situations of strategic bargaining has been previously noted in the constructivist literature. See, for example, Harald Müller, "Arguing, Bargaining and all that: Communicative Action, Rationalist Theory and the Logic of Appropriateness in International Relations," *European Journal of International Relations* 10.3 (2004): 395-435.

<sup>37</sup> On the importance of procedural rules in accounting for international outcomes, see: Paul F. Diehl and Charlotte Ku, *The Dynamics of International Law* (Cambridge: Cambridge University Press, 2010); Jutta Brunnée and Stephen J. Toope, *Legitimacy and Legality in International Law: An Interactional Account* (Cambridge: Cambridge University Press, 2010); and Mark Raymond, "Renovating the Procedural Architecture of International Law," *Canadian Foreign Policy Journal* 19.3 (2013): 268-287.

<sup>38</sup> Lake (2007), p. 78-79.

<sup>39</sup> This suggests the existence of what Ian Clark posits might be an overlooked institution of hegemony in the English School account of international society. Ian Clark, "Towards an English School Theory of Hegemony," *European Journal of International Relations* 15.2 (2009): 203-228.

<sup>40</sup> Michael Byers, "Not Yet Havoc: Geopolitical Change and the International Rules on Military Force," *Review of International Studies* 31.S1 (2005): 51-70; Martha Finnemore, "Fights About Rules: The Role of Efficacy and Power in Changing Multilateralism," *Review of International Studies* 31.S1 (2005): 187-206.



signifies authority. In a strict sense, there is a degree of merit to this objection; however, it overlooks the capacity of human actors to make general commitments to each other about their future behavior and, in so doing, to delegate their authority in the form of rules. The right involved in situations entailing authoritative rules and institutions belongs, in the first instance, to the group of relevant actors with standing to make rules for the community in question. The rule can thus be conceived as a special form of agent established by a group of principals.<sup>41</sup> Note that the group empowered to make such rules for a given community need not include all members of the group, or empower all members equally; in fact, in some cases the rule-making group may be external to the group governed by the rules. I return to this issue of rule-making below.

It might also be objected that this move to treat rules as special kinds of agents effectively reifies rules and institutions. In order to avoid doing so, it is necessary to maintain a theoretical perspective that can account for them as ongoing accomplishments of social interaction.<sup>42</sup> I suggest that pairing rule-oriented and practice-turn constructivisms can satisfy this requirement and thus provide an adequate social-theoretic basis for my argument about the authority-bearing potential of rules and institutions. The contribution of rule-oriented constructivism here exists primarily in providing the ontological basis for treating rules as key components in social structures that are simultaneously constitutive and regulative.<sup>43</sup> Importantly, rules constitute particular social practices, which Adler and Pouliot define as “socially meaningful patterns of action, which, in being performed more or less competently, simultaneously embody, act out, and possibly reify background knowledge and discourse in and on the material world.”<sup>44</sup> Rules thus explain how actors know *how* to engage in a particular social practice. Adler and Pouliot themselves recognize the tight connection between rules and practices. They acknowledge that there is “a normative or rule-like dimension to practice” and that (among other functions), “practices help construct a practical and mediated understanding of what is rational in given situations” and “set the rules and boundaries of strategic games”.<sup>45</sup> Rules thus structure the social contexts within which agents operate and the social practices they participate in.

However, in addition to engaging in substantive practices structured by rules and institutions, actors are also engaged in a simultaneous practice of rule-making and interpretation that runs alongside these substantive practices.<sup>46</sup> This practice of rule-making is structured by what H.L.A. Hart referred to as secondary rules, or rules about rules.<sup>47</sup> It prompts and structures a justificatory discourse that Hurd

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<sup>41</sup> The notion of rules as agents has been recently advocated by scholars in biology studying cell behavior patterns. Byron L. Long, Rahul Rekhi, Amada Abrego, Jiwon Jung and Amina A. Qutub, “Cells as State Machines: Cell Behavior Patterns Arise During Capillary Formation as a Function of BDNF and VEGF,” *Journal of Theoretical Biology* 326.7 (2013): 43-57. For other applications of the notion in a range of fields, see: Daniel McFadden, “Economic Choices,” *The American Economic Review* 91.3 (2001): 315-378; Mary Keeler and Arun Majumdar, “Revelator’s Complex Adaptive Reasoning Methodology for Resource Infrastructure Evolution,” in Peter Eklund and Ollivier Haemmerlé (eds.), *Conceptual Structures: Knowledge Visualization and Reasoning*, Proceedings of the 16<sup>th</sup> International Conference on Conceptual Structures (Toulouse: Springer, 2008), p. 97-98; Daniel Ashlock and Colin Lee, “Agent-Case Embeddings for the Analysis of Evolved Systems,” *IEEE Transactions on Evolutionary Computation* 17.2 (2013), p. 230; Timothy R. Johnson, James F. Spriggs, II, and Paul J. Wahlbeck, “The Origin and Development of *Stare Decisis* at the U.S. Supreme Court,” in Kevin T. McGuire (ed.), *New Directions in Judicial Politics* (New York: Routledge, 2012), p. 167.

<sup>42</sup> Alexander E. Wendt, “The Agent-Structure Problem in International Relations Theory,” *International Organization* 41.3 (1987), p. 345.

<sup>43</sup> Onuf (2013 [1989]), p. 61-62.

<sup>44</sup> Adler and Pouliot (2011), p. 4.

<sup>45</sup> *Ibid.*, p. 16, 23-24.

<sup>46</sup> Mark Raymond, “Social Change in World Politics: Secondary Rules and Institutional Politics,” (Ph.D. diss., University of Toronto, 2011).

<sup>47</sup> H.L.A. Hart, *The Concept of Law*, 2<sup>nd</sup> ed. (Oxford: Oxford University Press, 1994 [1961]).

correctly identifies as vital to identifying the existence of authority,<sup>48</sup> as actors engage in giving reasons for their actions and for their reactions to the actions of others. This practice of interpreting rules and applying general rules to particular cases closes the feedback loop between rules and practice by requiring actors to explain their conduct with reference to the rules of relevant substantive practices. It also empowers actors to criticize the behavior of others when they violate accepted (legitimate) rules. Finally, it opens the possibility for actors to go about attempting to change the accepted terms of social interaction (the rules of the game) and to evaluate such proposals by other actors. This social practice is therefore of vital importance in understanding the production, reproduction and alteration of rules in the international system. To the extent that actors comply with those rules of the game out of a sense that they are legitimate, those rules are authoritative; therefore, this social practice of rule-making is also vital to understanding the origins, operation and dynamics of authority in the international system.

While contemporary procedural rules built around positive international law, the norm of sovereign equality and the more specific norms associated with the institutional form of multilateralism are relatively egalitarian in most formal respects,<sup>49</sup> there are still important inequalities in the practical ability of various actors to engage in practices of global rule-making and interpretation. Rather than an ideal-typical situation of Habermasian persuasion, this practice of rule-making is power-laden and perhaps even coercive.<sup>50</sup> States, for example, are still decisively privileged in many respects compared to non-state actors, most notably in voting rules within international organizations. Large states and Western states also enjoy advantages over their smaller and non-Western counterparts, for example in access to informal rule-making clubs like the G7 (and to a lesser extent the G20). They also enjoy advantages in terms of the number of skilled legal and diplomatic personnel they can devote to such efforts.

Finally, a focus on social practices of rule-making and their effects on the rules of the international game also facilitates understanding of the way in which actors cope with simultaneous valid obligations to different authorities. Examples of such conflicts between obligations abound. One such class of examples involves conflicting obligations across levels of analysis.<sup>51</sup> For example, democratic leaders may feel a sense of obligation both to public opinion and to international legal obligation. Leaders may also feel an obligation both to champion the interests of a diaspora community and also to respect the sovereignty of the diaspora's new host states. In such cases, leaders' desire to be re-elected is likely an important explanation of responsiveness to domestic preferences. However, there is no reason in principle that leaders could not be motivated (instead or additionally) by the alternate

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<sup>48</sup> Hurd (1999), p. 390-392.

<sup>49</sup> On contemporary procedural rules, see John Gerard Ruggie, "Multilateralism: The Anatomy of an Institution," *International Organization* 46.3 (1992):561-598; Reus-Smit (1999); Holsti (2004); Diehl and Ku (2010); Raymond (2013).

<sup>50</sup> For an example of such a coercive constructivism, see Ronald R. Krebs and Patrick Thaddeus Jackson, "Twisting Tongues and Twisting Arms: The Power of Political Rhetoric," *European Journal of International Relations* 13.1 (2007): 35-66. Especially noteworthy is the authors' argument that rhetorical coercion is especially likely when parties share few rhetorical commonplaces (p. 48). This suggests, all other things equal, that coercion is especially likely in an increasingly culturally heterogeneous international system.

<sup>51</sup> The notion of interaction between the domestic and international levels of analysis is certainly not new; however, to my knowledge it has not been treated as an instance of conflict between simultaneously valid but conflicting *obligations*. Rather, the literature has tended to treat interaction across levels of analysis in more rationalist terms. Important works in this tradition include: Peter Gourevitch, "The Second Image Reversed: The International Sources of Domestic Politics," *International Organization* 32.4 (1978): 881-912; Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization* 42.3 (1988): 427-460; Andrew Moravcsik, "Taking Preferences Seriously: A Liberal Theory of International Politics," *International Organization* 51.4 (1997): 513-553.

logic of responding sincerely to their democratic obligation to represent their constituents. When leaders face this kind of situation, they essentially face a conflict between two rules they recognize as valid: one that tells them to fulfill their obligations to the members of their political community, and another that tells them to fulfill their obligations to their counterparts in other states. Cases of conflict between valid rules also exist at the international level. The Responsibility to Protect (R2P) responds to precisely such a situation, where the sovereign norm of non-intervention conflicts with responsibilities to uphold and ensure respect for human rights norms as well as with responsibilities to maintain international peace and security.

In dealing with such cases of conflicting obligations, actors may consider psychological factors such as the degree of social proximity to or affect for each different authority, or prudential factors such as the likelihood and severity of the punishment that each authority may impose. But, especially to the extent that they have genuinely internalized both obligations, social actors may also (or instead) seek a more principled basis on which to resolve the conflict. To do so, they are likely to engage in a process of applying general rules to particular cases and justifying their behavior in terms of rules. In doing so, they require guidance about what to do in the case of such a conflict. Since some kinds of conflicts between valid rules are common and/or foreseeable, it is likely that actors may be able to rely on precedent and/or meta-rules that anticipate the particular situation. Unanticipated or novel conflicts are likely to pose more difficult problems of rule-making and interpretation, and may therefore be more likely to prompt criticism or contention from other actors.

All of this requires, however, the view that actors are indeed engaging knowledgeably (though with varying degrees of power and competence) in a social practice of rule-making, application and interpretation that deals with evaluating both the way that actors play the game as well as the continued fitness-for-purpose of the rules themselves. Such a perspective is aided by the treatment of authority not as a property of an agent or as something that can exist only in a relationship between a superordinate and subordinate agent, but rather as a property of the rules and institutions that generate and structure both the relationships between agents as well as the relationships between actors and rules.

## **Conclusion**

In this article, I have presented a constructivist account of authority as a property of rules and institutions. This account presents these authoritative rules as the ongoing accomplishments not only of the substantive social practices they structure, but also of a meta-practice of rule-making, application and interpretation that actors engage in both explicitly and *en passant*. In the final section of the article, I revisit the question of the theoretical payoffs from adopting this conceptualization of authority and suggest avenues for further research.

Broadly, the article extends and builds on the work of English School and constructivist scholars who have criticized contractual-relational approaches to authority and sought to develop alternate, more fully social, treatments of this crucial overlooked concept. However, in advancing the argument that actors simultaneously engage in both rule-structured substantive practices and a meta-practice of rule-making, the article also makes a number of advances that contribute to the constructivist literature.

First, this kind of approach provides leverage on the question of how to determine actors' standards for what is authoritative. It does so by drawing attention to secondary rules, or the meta-rules that structure the practice of rule-making. Hart's notion of the rule of recognition, for example, gets at the question of who is empowered to do rule-making. His notions of rules of change and rules of adjudication get at the particular procedures by which rules are made or changed, and by which general rules are applied to particular cases. The specific content of these broad categories in particular social contexts will play a large role in shaping the kinds of authoritative rules and institutions actors create

together, and the ways they go about doing so. Importantly, this kind of approach makes the contractual-relational account of authority (to the extent it is accurate) a particular case of a more general phenomenon. It suggests that if actors create these kinds of authority relations, they do so on the basis of rules and institutions that tell them how to do so and that it is appropriate to do so (and not otherwise). Similarly, it can also account for other kinds of authority relations in the same way. One potential example is that of the medieval Catholic church, which may have contained elements of exchange between parties, but was not authoritative only or even primarily because of these exchanges.

Second, the approach I have developed in this article facilitates a non-exclusive understanding of authority relations. Instead, it explicitly allows for the possibility that actors simultaneously accept multiple rules and institutions as authoritative, thus painting a more complex and variegated picture of authority in social life. While this kind of complex web of authority relations has been portrayed as post-Westphalian,<sup>52</sup> the approach I take here suggests instead that this is instead an endemic condition in social life. Even Westphalian states have owed obligations simultaneously to their citizens, to each other *qua* states (e.g. non-intervention), and to each other on the basis of more specific agreements. When these obligations clash, leaders are in the position of deciding how to reconcile conflicting authority claims. Roughly since the end of the Cold War, a variety of non-state actors including non-governmental organizations, formal international organizations, firms and others have expanded their role in global rule-making. They have done so, I argue, by securing (still-contested) alterations in secondary rules that empower them to participate in this social practice directly. While this has increased the complexity of the social practice of global rule-making, the practice itself predates the involvement of these new actors (and even the existence of Westphalian states themselves, since the need to interpret shared rules between political communities was not unique to this system).

Third, the kind of approach to authority adopted here allows for the understanding of authority as non-binary in nature. Instead, it allows it to be treated as a *spectrum*, with anarchy and hierarchy as opposing (and likely ideal-typical) endpoints. Lake has made a similar move, arguing for the treatment of hierarchy as a continuous variable.<sup>53</sup> However, this kind of treatment subtly misunderstands the nature of authority. Rather than a situation in which it is possible to have more or less of the same thing, variation in authority (and thus in hierarchy) takes the form of having different *types* or instances of a more general phenomenon. That is, hierarchy should be treated as a discrete, rather than a continuous, function. Different types of authority are defined by shared rules and understandings that constitute them. Especially noteworthy, and related to the point made above about authority as non-exclusive, is that this kind of typological approach allows for forms of authority relations that simultaneously vest authority in multiple rules, institutions and actors.<sup>54</sup>

Finally, an approach to authority rooted in the notion of authoritative rules and institutions produced by social practices of rule-making offers insights about the nature of change in the structure of the international system. On this view, patterned changes in international politics are connected to change in the rules and institutions that constitute the international system. These rules, which can be more or less authoritative depending on the degree of legitimacy actors endow them with, are changed by actors as they engage in collective activities of rule-making, interpretation and application. Importantly, this view allows for the possibility that actors do so in a goal-oriented manner. They pursue

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<sup>52</sup> John Gerard Ruggie, "Territoriality and Beyond: Problematizing Modernity in International Relations," *International Organization* 47.1 (1993): 139-174.

<sup>53</sup> Lake (2007), p. 56.

<sup>54</sup> One example of such a situation is Robert A. Dahl's conception of polyarchy. On polyarchy in domestic politics, see Robert A. Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1972). For an application of this concept to IR theory, see Laura DeNardis and Mark Raymond, "Multistakeholderism: Anatomy of an Inchoate Global Institution" (unpublished).

their interests as well as their values, but do so in ways structured by procedural rules. Actors are expected to vary in their social competence at performing these practices, and procedural rules may differently empower and constrain different kinds of actors. Such an understanding of social change also points out the importance of cases where mutually acceptable rule-making procedures are either absent or have fallen into disrepair. In such situations, actors may struggle to make themselves understood. This may drive mutual frustration and potentially make violent conflict more likely.

The argument made in this article suggests the near-ubiquity of authority in social life, as well as the benefits to be realized from a non-exclusive, non-binary conception of authority. In such a world, anarchy is of limited theoretical utility. At best, it describes a limiting case. Given the burgeoning, theoretically diverse literature on hierarchy and authority, there are good reasons to begin a concerted effort to develop post-anarchy theories of IR, and eventually to drop the concept from our disciplinary lexicon. Such an effort requires two related strands of inquiry. The first deals with further elaboration of the complex web of authoritative rules and institutions in the contemporary international system, as well as its secondary rules and practices of rule-making. The thriving literature on global governance is of crucial importance in this regard. It is explicitly concerned with rules, institutions and practices as well as with rule-making; however, it has developed at something of a distance from IR theory. Rather than a niche literature of importance only for scholars and practitioners working in somewhat obscure, technocratic issue-areas, global governance should be understood as central to emerging understandings of the nature and dynamics of the international system.<sup>55</sup> The second strand of inquiry complements improved understanding of the contemporary system with comparative historical analysis of ancient and non-Western analogues of what might be called politics among political communities.<sup>56</sup> Such an enterprise will further denaturalize the existing system by heightening awareness of alternatives, and will also throw the features of the current system into sharper relief by providing the opportunity for structured comparison. Useful comparisons of both instances of authority and practices of rule-making might also be made with domestic politics, effectively taking up Milner's critique of the notion that international politics is fundamentally different from its domestic equivalent.<sup>57</sup>

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<sup>55</sup> On the significant potential of the global governance literature, see Thomas G. Weiss and Rorden Wilkinson, "Rethinking Global Governance? Complexity, Authority, Power, Change," *International Studies Quarterly* 58.1 (2014): 216-218. On the need to better integrate IR theory into that literature, see Martha Finnemore, "Dynamics of Global Governance: Building on What We Know," *International Studies Quarterly* 58.1 (2014): 221-224.

<sup>56</sup> Such an effort might usefully build on English School efforts, e.g. Adam Watson, *The Evolution of International Society: A Comparative Historical Analysis*, 2<sup>nd</sup> ed. (New York: Taylor & Francis, 2009 [1992]). For similar work, see Reus-Smit (1999); Buzan (2004); Holsti (2004); William C. Wohlforth, Richard Little, Stuart J. Kaufman, David Kang, Charles A. Jones, Victoria Tin-Bor Hui, Arthur Eckstein, Daniel Deudney and William L. Brenner, "Testing Balance-of-Power Theory in World History," *European Journal of International Relations* 13.2 (2007): 155-185.

<sup>57</sup> Milner (1991).