

AUTHORITY AMONG STATES

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Preliminary Note

This paper is an effort to work out the framework for a larger project examining the development and changes in the forms of authority wielded by states and nonstate actors in processes of global and regional governance requiring cross-border standardization of policy or cooperation to attain shared goals or avoid shared aversions. It presents the definitional framework but applies it only to certain forms of authority among states in the 19th century and the Cold War era.

Introduction

Contentions over the form, meaning, and implications of “globalization” have highlighted the question of how governance is and will be institutionalized in units larger than the familiar territorial state. At its core, then, the discussion of “global governance” is about how political institutions and practices will be organized to promote social order – reliable and persisting coordination among human individuals or groups accomplished with little or no resort to violence – at geographical scales larger than individual states. To date, the problem of maintaining social order at the global level has involved political institutions and practices very different from those prevailing within states. In its various forms since 1648 (Bobbett 2002), the territorial state has institutionalized centralized, hierarchical political institutions claiming – with varying degrees of success – a

monopoly on the legitimate use of armed violence in all places within the state boundaries. At the larger regional and global scales, the political institutions and practices are decentralized, nonhierarchical (at least among the largest states), and have not yet denied states all right to use armed force outside their own borders.

Whether the states system ever conformed to the Westphalian ideal type outlined by analysts of international relations is less important today than the fact that effective handling of a variety of problems is widely perceived as exceeding the governance capacities of the centralized political institutions of individual states. The search is on for more effective institutions and practices of governance “beyond the nation state” (E. Haas, 1964). For some, this search inspires proposals to replace territorial states with centralized global political institutions. For others, the search inspires efforts to build on already-existing institutions and practices of inter-state cooperation or efforts to develop new forms, such as intergovernmental networks (e.g., Slaughter 2004).

Presently, institutions of global governance come in several forms depending on the sorts of actors participating in them. The variety is summarized in Table 1:

[Table 1 here]

The current institutionalization of the international system is such that the intergovernmental forums – primarily the first and second types – are the ones immediately perceived as “political” and therefore providing elements of governance. Yet the others also provide elements of governance, either because they provide places for governments and other types of actors that have a stake in some matter interact or because governments have explicitly or implicitly allowed private organizations or networks to perform governance functions on some matter (Cutler, Haufler, and Porter

1999; Biersteker 2002). Students of international politics have also paid attention to two other types of collaboration among nonstate actors – transnational advocacy coalitions (Keck and Sikkink 1998) and transnational social movements (Tarrow 1998). They influence, but do not provide, governance; they present the perspectives of their members to the intergovernmental, public-private, or private forums where governance occurs.

Authority defined

All political institutions – centralized and hierarchical, or decentralized and non-hierarchical – provide governance through three primary mechanisms for influencing social actors' choices and conduct: incentives, persuasion, and authority. Incentives are well-understood; they can be “negative” – based on threats of punishment or actual deprivation – or “positive” – based on promises of reward or actual benefit. The mechanisms of persuasion are often hard to trace, but the core idea that persuasion involves one actor using logic, examples, and rhetoric to trigger mental processes by which another actor reevaluates and alters its beliefs, interests, or self-image in the direction suggested by the first actor's arguments is well understood. Authority – perhaps because discussions of authority quickly get tangled the related concept of legitimacy – seems harder to grasp. For present purposes, it is useful to focus on authority as a characteristic of social relations and define it as one actor's holding a position in some relationship with others such that they take its comments as instructions to be followed rather than as hypotheses to be debated or as suggestions that may be ignored. Though the three vary in relative importance for different sets of political institutions, as well as over place and time, successful governance draws on them all.

Analysts of international relations have paid devoted more effort to understanding incentives and persuasion than to understanding authority. This allocation of effort is not surprising for two reasons. First, notions of political authority – particularly the everyday ones held by citizens – remain dominated by notions that it must necessarily be institutionalized in hierarchical chain-of-command type social relationships. This mindset is strongly reinforced by many traditions of legal theory, which treat law as “the command of the sovereign” (Austin 1832). Second, the idealized image of the “Westphalian” international system as populated by autonomous, equally sovereign states continues to dominate conceptions of politics at the global level despite recent cautions (e.g., Krasner 1999) against taking this idealization literally. The notion of formal equality continues to influence perceptions even though participants and analysts have long been keenly aware that, as put in *Animal Farm*, “some ... are more equal than others” (Orwell 1946, 112). Nor did the existence of obviously hierarchical arrangements in colonial empires affect this perception; they could be treated as outside the Westphalian norms because the colonies were not independent states. The 19th century discourse dividing states into the “civilized” eligible for membership in the Westphalian system and the “uncivilized” not eligible (see Gong 1984) has been superseded, but long encouraged viewing empires as distinct from the core international system.

Even if the international system conformed to the idealized Westphalian conception, political decentralization would not preclude exercises of authority because authority can operate in non-hierarchical types of social relations. A separation of authority over behavior and authority over belief, such as expressed in 16th and 17th century Europe by the distinction between secular and religious authority, creates two

distinct modes of asserting authority. R.S. Peters (1932) summarized them in his distinction between being *in authority* – occupying a more or less institutionalized office or role that includes a right or duty to issue instructions to others – and being *an authority* – possessing particular knowledge needed for making good decisions about some matter. “In authority” corresponds to the hierarchical chain-of-command notion of authority; “an authority” suggests that one actor may take another’s comments as instructions not because it is persuaded by the arguments another presents or swayed by incentives another provides, but because it regards the other as better able to assess the situation and identify the best available choice. Who is “in authority” is defined by organization rules for allocating roles to particular actors; who is “an authority” is defined by shared criteria for identifying what particular actors possess the relevant special knowledge.

Actors “in authority” and actors functioning as “an authority” can appear in many social locations. Positions placing actors “in authority” have never been confined to the political institutions governing states; any private association organized along hierarchical lines also creates such positions. State institutions have simply enjoyed significant advantages over private institutions in ability to assert and enforce claims of authority over everyone in a particular territory. Religions with clerical hierarchies, business firms, schools, charities, and other private organizations create authority relations within. Increasingly the “within” of those non-state entities draws together a transnational set of members. Until the mid 20th century, claims to be “an authority” generally rested on possessing some form of administrative, technical or scientific expertise acquired through long training and credentialed by a recognizable professional community. Increasingly since the mid 20th century individuals, groups, and

organizations have claimed to be, and sometimes accepted as, “an authority” on other grounds. One is “victimhood,” the claim to understand an abuse, disaster, or immoral conduct better than others for having suffered directly from it. Another is “authenticity,” the claim to greater understanding of some human group (a gender, a race, an ethnic group, a religion) because one embodies the truest form of its experience. Today even celebrity – fame in a country or region based on musical, cinematic, sports, or other “stardom” – allows certain individuals to function as “an authority” in drawing others’ attention to issues or causes. This seldom translates into influence over the terms of decisions, but does affect agenda-setting.

Incentives, persuasion, and authority can fail, each for different reasons. Positive or negative incentives may be insufficiently large or certain to deflect an actor from free riding on others’ efforts or pursuing a directly uncooperative course of action. Persuasion may not inspire an actor to rethink its beliefs, or, alternately, may inspire rethinking that leads to adoption of some new beliefs other than the ones the persuader is hoping to spread. Authority erodes or disappears whenever the other actors involved in the relation no longer treat the authority-wielder’s comments as instructions to be followed. The possibility of erosion is that underlies the ongoing debates about how authority-wielders succeed or fail in maintaining legitimacy in the eyes of their addressees. For an actor “in authority,” others’ willingness to defer to its instructions can erode for any of three reasons, each presenting a distinct challenge to wielding of authority, summarized in Table 2:

[Table 2 here]

Of the three, challenges based on claims that the commander has exceeded the bounds of its right to command are the easiest to meet, and challenges based on challenging the right to command *per se* the most difficult. The second and third forms of challenge can arise simultaneously if an actor seeking to supplant the current commander bases its challenge on offering a new rationale for the command relationship. In the domestic politics of states, these challenges are revolutions.

Deference to actors operating as “an authority,” can erode for at least five reasons, and again each offers alternate possibilities of repair after a challenge arises, as summarized in Table 3:

[Table 3 here]

Here, too, the challenges are listed in order of increasing severity. The fifth, which rejects the need for any form of social knowledge, is probably raised less often than the fourth, which triggers contention over which form or forms of special knowledge are the more relevant. Mobilized social groups or movements using “outsider strategies” to influence decisions often use the fourth form of challenge. Many of them have absorbed (consciously or unconsciously) elements of the “strong programme” in sociology of knowledge (e.g. Knorr-Cetina 1981) arguing that since science must operate through human perception there is no way to acquire an unmediated, objective understanding of the natural world, and therefore scientific knowledge is as much a social construction as any other sort of knowledge. It is a short step to the further conclusion that since those who can afford to undertake scientific or technical studies come from the more advantaged classes, such experts are allied to existing elites and function as supporters of the status quo. This encourages skepticism about certain types of special

knowledge and preference for forms of “an authority” based on authenticity or victimhood.

So far this discussion has avoided the term “power.” Avoidance is not based on a belief that power is unimportant or irrelevant; rather it is an effort to avoid getting overly tangled in the multiple directions discussions of power have taken. Discussing “governance” rather than “power” does mean focusing more on “power over” – the ability of one actor to influence another – than on “power to” – the ability of an actor (along or with others) to accomplish a task, attain a goal, or create a *fait accompli* (March 1966). The two are related because “power over” arises because “power to” exists and because “power to” is often irksome to actors who feel they possess far too little of it. Focusing on incentives, persuasion, and authority as mechanisms of governance does run a risk of scanting the more “diffuse” and “constitutive” forms of power in favor of the “direct” and “interactional” (see Barnett and Duval 2005, 8-23). Yet foregrounding the latter provides a better way of tracing the variations in effectiveness of authority because alterations in interaction first signal its waxing and waning.

Authority among States

Throughout recorded and archeologically reconstructed human history, the distribution of ability to attain ends has been sufficiently diffuse regionally as well as globally that no single state could maintain global or regional governance on its own. Regional and global governance are thus products of joint activities. Incentives and persuasion have been important to initiating, maintaining, and altering the institutions and processes of global governance, but so have patterns of authority developed in the interactions of states.

A closer look at early 19th century international politics reveals three distinct sets of hierarchical relations among states. In colonial empires, the metropole (“mother country” was the more common English-language term at the time) acquired a clear right to command through its own assertion of formal rule over the colonies and other states’ recognition of that direct rule. Colonial peoples did challenge this right to command in particular instances at particular times, but nothing in the shared beliefs of metropole governments and populations or the governments of other influential states (most of the great powers were metropolises themselves or engaged in other forms of empire-building) challenging the very notion of colonial empire. Treasury officials, as Oliver and Fage, (19xx, 172-173) note, often worried about the cost of running colonies, but this was not a challenge to colonialism itself and easily deflected by worry that dropping out of colony acquisition would give other powers a significant advantage. In spheres of influence, a paramount power acquired certain rights of command by agreement with the ruler of the subordinate state, and could exercise them most securely when other states capable of challenging the paramount power refrained from doing so. Here, too, neither governments nor populations in paramount states, nor most governments of third states challenged the legitimacy of spheres of influence; typically arguments focused instead on who should be able to establish a sphere of influence where. Inhabitants of a sphere of influence might object, and that opposition encouraged by a government seeking to escape subordinate status (for instance, the Boxer rebellion in China) but this did not suffice in the 19th century to de-legitimize the notion of spheres of influence.

The authority relations of colonialism and spheres of influence shared two features: they typically involved one superordinate in a bilateral relationship with one

subordinate (exceptions included joint British and Egyptian protectorate over Sudan and British-French condominium over the New Hebrides). Though each metropole had multiple colonies, they administered each colony separately and limited opportunities for inter-colony political connections. Second, colonial empires and spheres of influence ran most smoothly when third states (whether neighbors or other great powers) acknowledged them and did not interfere.

The third form of early 19th century hierarchical relation among states involved the great powers as a group vis-à-vis one or more other states. In the 19th century this relationship was institutionalized in as *ad hoc* mutual consultations, initially in the “Concert of Europe” and after the Concert broke down in occasional great power conferences. Great powers participated by right; other states might be invited to send representatives if the great powers regarded their presence as useful. The authority relation between great powers and other states was fundamentally different from that in an empire or a sphere of influence because it operated only when the great powers themselves came to a consensus. The consensus might be detailed and specific, such as the decision to accept Belgian independence from the Netherlands while safeguarding the balance of power among Britain, France, and Prussia by attaching to that independence a regime of neutralization and guarantee of Belgian territory against outside attack. It might be a vaguer framework within which pairs or small groups of great powers worked out details, such as the 1884 Berlin Conference arrangements regarding European colonization of Africa.

By the end of the 19th century, a fourth form of hierarchical authority among states was beginning to emerge. After 1850, economic interconnection and the larger

than national economies of scale pertaining to railways and telegraphs created an evident need for regulatory and cooperative frameworks extending across state boundaries. The state-level transition from minimal “watchman” state to more active “welfare” and “regulatory” state inspired by the social dislocations of the industrial revolution (see, e.g. Hobsbawm 1983, Katznelson, 1985, Rosecrance 1999, Bobbitt 2002) was replicated (with some lag) at the international level. The state agencies created in the 19th century to deal with new issues like provision of more elaborate physical and social infrastructures, improvement of public health, working conditions, minimum wages, social insurance, and product safety began to acquire international-level analogues with establishment of the late 19th century public international unions. Even if developed as a conscious project by particular elements of the state bureaucracy interested in promoting a certain vision of domestic governance (Murphy 1994), the important thing about these unions at the international level was their creation of a new form of hierarchy among states – this one flowing from assemblies of delegates from all member states to the participating agencies of individual member states. Governments could argue that no particular change to formal norms of national sovereignty had occurred because unions operated under unanimity rules for their most important decisions, but use of majority decision rules for such matters as adopting the budget or choosing states to serve on the smaller executive body that functioned between sessions of the plenary assembly was the first glimmer of a new relation in which even a great power might be subject to a decision it initially opposed.

During the Cold War era, four forms of hierarchy among states were most prominent. First, a degree of authority of the great powers as a group vis-à-vis other

states remained, though weakened by new practices giving all states belonging to the League of Nations and later the United Nations the right to participate in the Assembly (League), General Assembly (UN) and general international conferences convened by either organization. Even the League's Council and the UN's Security Council – those organizations' closest approximation to the 19th century conferences of the powers – included smaller states in the membership. The League Council's unanimity rule and the UN Security Council's veto rule did acknowledge the continuing relevance of consensus among the great powers for effective action (on evolution of multilateral organizations and conceptions of their authority vis-à-vis member states see Claude 1959; Szasz 1996; Kirgis 1997). The primary reason that the authority of the great powers waned during the Cold War was the rarity of consensus among them. Particularly during the most tension-ridden phases of the Cold War, authority among states drifted to the various blocs of states.

The contending Cold War blocs quickly developed internal hierarchical relations. In both the Western bloc, led by the USA, and the Eastern bloc, led by the USSR, the strongest state in the bloc became "bloc leader." The allies often chafed under the leadership and some developed highly independent foreign policies on particular issues or questions, but in a crisis they rallied to their bloc. The two blocs provide a rich environment for studying the development, maintenance, and erosion of hierarchical authority among states because the relative power of the member states and the mechanisms for maintaining ideological cohesion were so different. Though several of the Western allies were second-rank powers, none was sufficiently strong vis-à-vis and sufficiently distant from the USSR to consider emulating the open and intense rift that

developed between the USSR and Maoist China. While US government agencies funded political parties and cultural efforts in Western Europe (e.g., Miller 1986; , the USA did not develop as deep a system of inter-party coordination as existed between the Community Party of the Soviet Union and the communist parties of the Warsaw Pact states (e.g., Brzezinski 1967; Jones 1990).

The Nonaligned Movement, premised on a collective effort to stand outside – and possibly mediate between – the Cold War blocs, developed a distinctive set of authority relations (Mortimer 1984; Rajan 1987). Each Nonaligned summit included election of one member government to serve as chair (and secretariat) of the Movement until its next summit. The election was typically by acclamation, following a period of consultations revealing which of the interested governments had the most support. The chair served as primary spokesperson for the Nonaligned and prepared agendas and draft declarations for the next summit. These roles gave the chair scope for leadership, but the success of that leadership depended on its relation with the other members, particularly the set of “leading members.” The included the governments of the states that had been most active in organizing the Nonaligned – the Egyptian (under Nasser), the Indian (under Nehru), and the Yugoslav (under Tito), in formulating its early positions – the Algerian, the Tanzanian, or in committing significant diplomatic resources to Nonaligned efforts – the Cuban, the Malaysian starting in the late 1990s. Most of the chairs were drawn from the group of leading members, but relations between chair and leading members could become difficult if the chair pursued initiatives too far in substance from the preferences of the leading members.

The hierarchical relations among IGO bodies and member states spread with the post World War II proliferation of intergovernmental organizations at the regional and global levels. The typical intergovernmental organization was institutionalized with a plenary body including representatives of all member states, a smaller council to guide the organization between meetings of the plenary, and a secretariat. The UN General Assembly combined a simple or 2/3s majority rule with authority to make recommendations only except on “internal” or organizational “housekeeping” matters. The assemblies of the more specialized organizations also had simple or qualified majority voting rules, but under the terms of their separate charters some could commit the whole membership to certain actions (see Kirgis 1995). Areas of IGO authority began to expand in the 1980s as the perceived imperatives of cooperation to prevent further environmental degradation suggested the need for greater speed in developing and amending specific undertakings than possible under the traditional treaty-negotiation process (e.g., Chasek, Dpownie and Brown 2006).

Analysis of international politics have offered several explanations for this growth in intergovernmental organization authority. The more sociologically-inclined have attributed this variously to appearing “depoliticized” through consistent application of a body of norms and rules (e.g., Burley and Mattli 1993; Kelemen 2001), providing the forum where communicative action occurs and the conclusions of the debates recorded (e.g., Frederking 2003; Johnstone 2003), increasing accountability and fairness through procedural regularity (e.g., Woods 1999), or conferring or withdrawing the symbols of approval for a particular state’s actions (e.g., Hurd 2002). Rational choice theorists attribute the growth of IGO authority variously to serving as a mechanism for “locking-

in” longterm commitments (e.g., Ikenberry 2001), permitting states to reap gains from specialization and special knowledge (e.g., Nielson and Tierney 2003), or helping states solve collective action dilemmas (e.g., Shimazu and Sandler 2002).

It is at the regional level in Europe that intergovernmental organization authority has been expanded the most. The European Union, inspired from the start by a project of economic and ultimately political integration far stronger than animates other regional bodies, has developed extensive authority over the member states (see e.g., Richardson 1996). The extent of its authority means also that it is hardest pressed to address popular demands for “democratic rule” and concerns about “democratic deficits.” These have fuelled direct election to and expansion of the European Parliament’s role in EU governance. While similar sentiments have inspired proposals for an “assembly of the peoples” to parallel or supplement the UN General Assembly (e.g., Heinrich 1992), most efforts to bring nonstate actors into the functioning of intergovernmental organizations have involved formalized systems of consultation.

The Cold War era was also the period when colonialism was definitively de-legitimized (e.g. Holland 1985; Darwin 1988; Clayton 1994). A few dependent territories remain under the rule of an overseas metropole, but these arrangements are typically voluntary and legitimated by plebiscite. The 18th and early 19th century independence movements in the Americas challenged colonialism at the level of principle, but did not suffice to discredit the practice globally. Global discrediting was a slow process, starting immediately after World War I, and gathering irresistible momentum after World War II. Changes in power relations – the exhaustion of the metropolises in two world wars – were certainly important, but would not have operated as

rapidly without shifts of opinion in colonies, metropolises, and third states challenging the normative basis for metropole authority in overseas colonies. Though the Japanese proposal to include a formal declaration of racial equality in the League of Nations Covenant failed, the provisions establishing a Mandate system for administration of former Ottoman dependencies and German colonies did succeed in redefining the colonialist notion of “civilizing mission” to focus on the well-being of the colonial population, establish an explicit goal (though no timeframe) for independence, and subject colonial administration to multilateral supervision (see League of Nations 1945 for descriptive information; Millot 1922; Chowdhury 1955). Though applying only to some territories, the Mandates system established norms that were difficult to confine to the Mandated territories and powerfully reinforced the nationalist movements that had already developed in Africa, the Middle East, and Asia.

Delegitimation did not extend as dramatically to overland empire-building through annexation and amalgamation. The UN Charter explicitly banned any new conquests in Article 2, par. 4, but was not interpreted as requiring the un-doing of any already-accomplished conquest. Where territorial amalgamations have been un-done, as in the breakup of the USSR, the split of Czech Republic and Slovakia, or the shattering of Yugoslavia, appeals have been made to the specifics of the situation rather than to any general doctrine that overland conquests should be reversed.

Ending Remarks

Though necessarily telegraphic, this discussion of changes in the forms of hierarchical authority among states should be sufficient to make clear the socially constructed nature of hierarchical authority relations. Even if hierarchy abstracted to its

most general shape of right to command linked with duty to obey may be endemic to human relations – as a long tradition in sociology maintains (see Engels 18--/1962; Mosca 19--/1939; Michels 1910?/1959; and Weber 19--) – its scope and depth in any particular hierarchical social relation vary considerably. The 19th century forms of hierarchy among states have eroded, but that does not mean there is no hierarchy among states at the present time.

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Table 1. Types of International-Level Governance Forums

participants	type of forum	examples
governments of states	a. intergovernmental organizations b. treaty-based regime institutions c. transgovernmental networks	a. United Nations, WTO, WHO b. Inter-American Tropical Tuna Commission, Climate Change Meetings of Parties and secretariat c. Interpol, Bank for Intl Settlements
governments of states and nonstate actors	a. public-private organizations b. public-private networks	a. ILO, Intl Union for the Conservation of Nature, b.
nonstate actors	a. private organizations b. private networks	a. Intl Organization for Standards, Astronomical Union b.

Table 2. Sources of Erosion and Possible Repair of In-Authority

source of erosion	sources of possible repair
authority-wielder is perceived as issuing instructions outside the areas of its right to command	<ul style="list-style-type: none"> a. revise instructions to fall within undoubted area of right to command b. persuade addressees that command actually falls within areas of right to command
wrong actor is attempting to issue commands	<ul style="list-style-type: none"> a. acquire delegated rights from accepted commander b. invoke arguments about special situation necessitating temporary exercise of right to command c. wrest right of command from formerly accepted commander
formerly accepted right of command is challenged	<ul style="list-style-type: none"> a. revive acceptance of previous beliefs supporting the right of command b. establish, get other actors to accept a new belief supporting the right to command

Table 3. [Some] Sources of Erosion and Possible Repair of An-Authority

sources of erosion	sources of possible repair
authority-wielder is perceived as issuing instructions in a policy area outside the area of its special knowledge.	a. confine instructions to areas of acknowledged special knowledge b. persuade others that its special knowledge does apply to the problem at hand
“an authorities” disagree on facts of and/or causes of the situation	“an authorities” develop consensus on the facts and/or causes
“an authorities” disagree on best policy choice	“an authorities” develop consensus on best policy choice
particular form special knowledge seen as irrelevant to addressing the problem	possessors persuade others that their particular special knowledge is relevant
special knowledge is perceived as irrelevant to addressing the problem	possessors persuade others that special knowledge, and particularly their own, cannot be ignored