2 Theories and tests of international authority

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Susan Strange made a celebrated critique of the regimes literature in the early 1980s, challenging theorists and empiricists to reconsider the conceptual content and historical development of "regimes" for international politics. In her overview, she found the term to be used in a broad array of ways allowing a false sense of consensus among scholars over the importance of the new approach by concealing great differences in meaning. Empirically, she found that almost any pattern in IR was likely to end up being called a regime. This had the danger of leading to the reification of what were really just transient phenomena produced by strategic state behavior governed by considerations of power. She said "all those international arrangements dignified by the label regime are only too easily upset when either the balance of bargaining power or the perception of national interest (or both together) change among those states who negotiate them" (Strange 1983: 345).

The literature on international authority is today in an analogous position to that of "regimes analysis" in the early 1980s, characterized by a lack of clarity in the definition of the basic concept and an under-attention to careful tests of its existence. A number of scholars are now making claims about the existence and effects of authority in various corners of IR, and the multiplication of definitions and the absence of testable propositions makes comparing, challenging, and eliminating any of them virtually impossible. As a result, the literature on international authority has been expanding, with endless potential for further growth. Without tests or definitions, neither empirical failure nor conceptual boundaries can possibly limit its expansion.

For "regimes" in 1982, as for "authority" today, this is an unhealthy condition for IR scholarship. After Strange’s attack on regimes analysis, more carefully bounded and empirically testable research programs on regimes were the result, and a smaller but more coherent field of study emerged. Something similar needs to happen to the concept of international authority.

This chapter addresses the question: Is the Security Council in a position of authority over states? Or, more correctly, it addresses how we might go about answering that question. One goal of conceptual thought an authority must be, as Steven Lukes (1990: 214) put it, "to identify relations of authority and distinguish them from others." We want to know whether a particular
relation of power counts as an instance of authority or as something else. From this position we might be able to make claims about the existence and effects of authority among international organizations and the implications for the international system as a whole. Can this be done? Do the existing models of authority in IR provide empirically grounded resources with which to separate the effects of authority from other kinds of influence? This chapter examines the meaning of the term “international authority” for the Security Council and considers how its presence or absence might be assessed. It establishes the first steps toward a strategy for answering the question: “Does the Security Council exercise international political authority over states?”

**Defining international authority**

Authority is a central concept in the study of human society. In a famous essay in political philosophy, Richard Friedman (1990: 57) said that authority “has proved to be an elusive concept, as well as an indispensable one.” An equally famous paper in political science argued that explaining “authority patterns” was at the heart of understanding politics, and at the heart of political science itself (Eckstein 1973). And Hannah Arendt (1958: 81, 83–84, 112) declared that “authority has vanished from the modern world” and that by the twentieth century “it is almost impossible to have a genuine experience of what authority is, or rather was.” She came to this conclusion having unchorded authority in tradition and then noted the “loss of permanence and ‘ripeness’ that sustained tradition. In International Relations, there has historically been less of an interest in exploring the workings of authority, but indirectly the concept of authority has been central to IR theory. Authority has always been present as the “quiet” half of the anarchy/authority dichotomy. While “anarchy” has received all of the attention, it has always depended on an implicit contrast with authority (Milner 1991; Hurd 1999). By assumption, neorealism and neoliberalism agreed that authority did not exist among states, only within them. The contrast did not need to be made explicit. Clear definitions of authority and tests of its presence were made unnecessary by the assumption of international anarchy. The “anarchy problematic” (Ashley 1998) proved highly productive for IR theory, and yet its foundation on unstated premises about the absence of authority remains intellectually unsatisfying. This chapter aims to delineate what tests for international authority might look like.

To look for evidence of international authority we must first know to what the term refers and definitions of authority abound. They tend however to circulate around a central tendency which can be easily identified. Arendt’s(1997: 93) formulation stands as well as any as a conventional one: authority is a relation “between the one who commands and the one who obeys” in which the two “have in common is the hierarchy itself, whose rightness and legitimacy both recognize” (see also Burnett and Finnemore 2004). The crucial elements here are: (1) a relation between subordinate and superior, that

is (2) recognized by both as (3) legitimate. These three are found in most conceptions of authority in political theory and International Relations: mutual recognition of a legitimate relation of hierarchy. The result is a form of power distinct from coercion, from rational persuasion, and from instrumental calculations of costs and benefits. Authority is a subset of the category “relations of power” and its defining feature is the existence of a legitimate hierarchy.

From this common starting point, divergence occurs as cross-cutting typologies are developed. For instance, Weber examined three devices by which power might be legitimized: tradition, charisma, and law. Friedman (1990: 60–61) elaborated on the “familiar distinction” between a person who is “in authority” and one who is “an authority,” the former being about a formal position with the right to issue commands and the latter a personal identification of expertise. Lukes (1990) argued for seeing authority as fundamentally different depending on one’s “perspective” on the society, so that a relation of authority is a different thing from the points of view of the subordinate, of the superior, of the objective” inside observer, or of the imagined social consensus. Coherence among these is, he argued, impossible. These typologies are, in Elman’s (2005: 298) terms, “explanatory” typologies: they use a prior theory to deduce different categories of authority and make predictions about expected outcomes in each category. The prior theories that they employ, however, are not comparable with each other because they approach different versions of authority questions (for instance, “what makes authority?” as opposed to “how do we know if authority exists?”) and so the complexity they produce cannot be reduced.

The common tradition that defines authority as legitimated power implies a unique relationship between ruler and ruled. In philosophy, it is common to distinguish the authority relationship from, on the one hand, coercion, and on the other, rational argument (see, for instance, Friedman 1990 and Lukes 1990). To either coerce or to reason with a subordinate are both taken to be signs of the absence of authority. The contrast with coercion is straightforward: the need for or use of coercion implies a lack of authority. Arendt (1997: 93) says “authority precludes the use of external means of coercion; where force is used, authority itself has failed.” On the contrast with reasoning: the logic of the authority relation makes reasoning unnecessary, and perhaps even undermining. Authority involves the “surrender of private judgment” so that the audience’s critical faculties are irrelevant to the process. Summarizing the long history of this approach, Friedman (1990: 67) says “To defer to authority, then, is to refrain from insisting on a personal examination and acceptance of the thing one is being asked to do (or to believe) as a necessary condition of doing it (or believing it).” An institution with authority carries with it “a very special sort of reason for action” by subordinates (Friedman 1990: 67) but “reason here is meant in the sense of a causal factor determining compliance (an independent causal variable) not in the sense of a process of autonomous thought. Following an
Looking for authority

It is common to call the United Nations an “international authority.” In noting the weakness of the UN in the early 1980s, Kenneth Thompson (1981: 411) saw evidence of a general pattern that “when international authority proves ineffective, powerful states intervene and confront the weak.” Since then, as Michael Matheson (2001: 76) observes, “the United Nations has exercised authority in significant new ways.” Adam Roberts (2002: 136) notes that the Council “has exerted a degree of authority over some recalcitrant states” in international society. David Schweigmann (2001: 7) looks to the UN Charter to determine the “limits to the Council’s authority.” Mark Plunkett (2003: 214) identifies peacekeepers in failed states as the bearers of the authority of the UN and international law. On what evidence do these authors find their claims that the Council has authority?

The premise of this volume, as explained in Chapter 1, is that international authority is a sociological concept rather than a purely legal one. In other words, authority exists when actors believe that a rule or hierarchy is legitimate and thereby it contributes to their perceptions of their interests. This approach is arguably less prevalent than the alternative legalist view in the IR literature. The distinction between the two is crucial to devising empirical tests for authority.

The legalist understanding of authority uses the term to refer to the legal powers and structures that constitute the organization: in this view, the legal terms of the Charter delimit its (legal) authority. This view sees the Council’s authority under the Charter as delegated by member states through the act of consent when they sign the Charter (Barnett 2001: 59), and from there it can be further delegated by the Council to states, other international organizations (IOs), and other parts of the UN organization (Sarosio 1999). This approach treats the Council as the “agent” to which authority is delegated by member-state “principals”; ambiguities in the delegation contract might manifest themselves in oversight and control problems later, but the act of delegation is clearly understood by all parties. This approach involves two distinct steps. First, it defines the authority of an international organization in legal terms, tightly coupled to the founding treaty from which the organization springs. Second, it treats authority as a commodity, tradable among actors on terms of exchange known to both parties in a kind of marketplace of legal relations. The legal powers of an organization can be subdivided and “rented out” to other players as necessary as delegated authority. To equate “authority” with the legal structure of an organization allows that authorities can be weak and ineffective yet remain authorities as long as their formal charters sustain them in a legal and corporate sense.

The existence of international authority in this sense is undeniable although not very interesting. States accept the principle that duly ratified international law is a source of binding and legitimate authority and they generally defer to it, even if they often also promote self-serving interpretations of their
obligations under the law. The central role played by state consent in international law makes authority of this kind rather banal; as I discuss below, it removes from the concept everything that motivates the debates among philosophers including the tangled relations among agency, choice, power, and law.

The obligations accepted by states in relation to international law are indeed binding on them, but the usefulness of the legalist conception of authority is limited by the fact that states retain the absolute right to choose which instruments to consent to and to re-evaluate their prior consent at any time. States can choose to revoke their consent to international legal obligations and they can choose to violate the law. The legalist view is therefore fundamentally agentive and shows none of the "surrender of private judgment" that the sociological concept of authority implies. Authority that comes with an opt-out clause is not what the philosophers of authority had in mind. There are of course some obligations of international law from which states cannot escape, either of the ergo summa or the jus cogens varieties. No state objects to the principle of these kinds of obligations, but there is no consensus on their substantive content either, and so they represent a highly uncertain corner of international law (Bassioni 1996; Tams 2005). It is precisely the tension between sovereignty and consent on one hand and legal obligation on the other that holds back more general agreement on the nature of these obligations. This supports the general conclusion that legal obligations are strong in international law only when backed by active state consent, and this limits the reach of "authority" strictly defined in the international legal realm.

Focusing on consent as the basis of law is congenial for many in IR since it preserves the dominance of state sovereignty and makes other obligations subsidiary to it. It leads to the conclusion that international political authority, at least as defined in Chapter 1, is fundamentally inconceivable. Since consent and delegation are revocable, models that are based on them are guaranteed to find that ultimate authority rests only with the state. This is incompatible with the mutually recognized legitimate subordination of the state to an external source of power which I defined as at the heart of international political authority.

The dominant paradigms of international thought of the twentieth century used this legalist understanding of authority to rule out the possibility that authority could exist in international affairs—for neorealists and neoliberals, authority existed only within the nation-state. For them, the distinguishing feature of domestic government is that it creates a system of hierarchical authority in which it is generally accepted that some are in positions of command and others in positions of subordination. Even in democratic domestic systems, where the equality of citizens is a well-established principle, a hierarchy of bureaucratic offices exists leading up in a pyramid to the head of state. No such hierarchy of authority exists in international affairs, and Waltz (Waltz 1986: 111) takes it to be axiomatic that in an anarchy of states no institutions of authority can develop. "National politics is the realm of authority" he says, while "international politics is the realm of power, of struggle." David Laitin (1998) applies a similar sensibility in his response to Eckstein's definition of authority, where he suggests that International Relations is characterized by "exchange between states" rather than relations of authority among them.

Two recent developments in the IR literature pose potential challenges to this neat pairing of domestic with authority, and international with anarchy. These represent the opening of a possibility for the sociological study of authority in IR. The first is an empirical literature studying the growth in UN peace operations in the 1990s. The UN's peace-building missions, as in East Timor and Cambodia, may include direct UN governance of post-conflict territories and societies. These are often highly intrusive and may, in their mandates from the UN Security Council, establish that the mission is the legal holder of state sovereignty for the duration of the "transition" period. In such cases, the missions are often identified as having authority over the state and society. For instance, Caplan (2004: 60) says of the transitional administration of Bosnia and Herzegovina, "in a legal sense, the high representative's authority would seem to be unassailable [since the parties to the conflict themselves requested the designation of a high representative and agreed to his mandate." Further, the Security Council, "an important legitimating body," endorsed the arrangement. If mutually recognized, this legitimate hierarchy may qualify as authority.

Studies that take this approach tend to assume, rather than test, that the international administration of the territory through the UN is legitimate and therefore "authoritative." By virtue of coming through the UN Security Council or other UN structures, the result is assumed to satisfy the criteria for legitimate power. This approach is thus the mirror-image counterpart to how the "anarchy problematised" dismisses authority: each establishes by assumption rather than empirical testing that only half of the anarchic-authority dichotomy need be considered. They disagree on which half is relevant but the logic is the same.

The second cluster of new research that asserts the possibility of international authority comes from international political economy (IPE). The regimes that regulate firms in IPE sometimes demonstrate a capacity for rule-making that is at once authoritative and not dependent on state power. This, many believe, is a source of "market authority" in the international system.

In a well-known case study, Timothy Sinclair (1999) showed that certain firms in the financial services industry exercise effective authority in IPE by virtue of the power of the information that they collect and sell. Credit-rating firms such as Moody's and Standard & Poor's centralize information on the creditworthiness of their clients and disseminate it to potential investors. This information is important for avoiding potential market failures, but it also plays a more political role when states are the ones using ratings or being rated. These firms have legitimised power over states by virtue of their place
in the market system and the value of the information they sell. This implies that the firms have crossed the line into being institutions of international political authority. Such institutions therefore transcend two conventional boundaries—those between the public and private and those between the domestic and the international. Ellen Wood (1981) has argued that the liberal tradition accepts that authority exists only in the domestic-public quadrant of this two-by-two grid, and builds the rest of its edifice on this foundation. The discovery of private and international authority would thus have significant consequences for IR (Rosenberg 1994).

This is pathbreaking and significant in many ways, but it is not clear that the IPE literature on private authority really has found evidence to transcend the domestic-international half of this claim. The essays in the Hall and Biersteck (2002) volume, for instance, provide evidence of a transfer of authority from one kind of actor (states) to another (firms), and while both types of actors have international presences and effects, both are also best conceptualized as national or trans-national rather than international. The changes in the distribution of authority that they describe are horizontal, not vertical. For a vertical dimension to exist, we would need to see evidence of supra-national actors or rules with authority.

International authority requires this vertical dimension. Hints in this direction are provided by writers on the “retreat of the state” such as David Held and James Rosenau, but this tends to be impressionistic rather than rigorous. James Rosenau (1992: 256) sets out the logic, though not the empirics, in an early article from 1992:

At the core of the new order are defined criteria of political legitimacy and a relocation of authority that have transformed the capacities of governments and the conduct of public life. Put most succinctly... just as legitimacy is increasingly linked to the performance of officials rather than to traditional habits of compliance, so has authority been relocated in the direction of those political entities most able to perform effectively. This relocation has thus evolved in two directions, “upward” toward transnational organizations and “downward” toward subnational groups, with the result that national governments are increasingly competent to address and resolve major issues confronting their societies.

Setting aside Rosenau’s hypothesis that authority is a product of beliefs about the “effectiveness” of officials, we see here the clear implication that international authority has indeed been created by changes in perceptions regarding which institutions have the legitimate power to perform certain governance functions. This opens the possibility for an international version of the kind of authority imagined by Arendt, Lukes, and Friedman above. Rosenau, however, remains vague about which international institutions he thinks have acquired this authority, and how he is going about determining this.

Testing for authority

These questions cannot easily be answered one way or the other. How shall we approach assessing the possibility that authority exists in the Council? And more generally, where is the evidence for international authority, and what are the tests for it? On both questions (tests and evidence) existing claims to have found a vertical dimension to the transfer of authority are weak, or at least weakly founded. Is it possible to develop empirical tests that would establish whether or not there exists a vertical dimension to authority relations in the international system?

We are presumably interested in studying international authority because we have some reason to believe that its presence and nature affect how world politics unfolds. There must, therefore, be a behavioral consequence of authority which is observable. If it is observable, then it should in principle be amenable to tests for its existence. But testable in principle does not mean testable in practice. It may, for many reasons, be impossible to determine by empirical tests that the Council has authority over states or not. It could be, for instance, that the concept is simply not of a type that can be tested for. Because it relies on the psychological belief in legitimacy, and the scientific method cannot accurately measure subjective beliefs, authority might be inherently untestable. A separate problem would be if the concept was undefinable. If each observer constructed a different but equally plausible definition of the concept then any test that we devised might apply to one definition and not others. Attempting to generalize across tests with incommensurate foundations would be futile. A further obstacle to testing is the problem of observational equivalence. Assuming we are able to identify observable behaviors that are consistent with international authority, we
must be confident that at least some of these are also inconsistent with competing explanations of social order, such as coercion or self-interest. Any of these three problems would be sufficient to make it literally impossible to use positivist methods to answer the question of whether or not the Security Council is in a position of political authority over states.

Empirical testing is not a problem only for scholars studying international authority. It is equally challenging for scholars of domestic states: the domestic literature on state authority is not full of successful models of how to test for authority. The problem of observational equivalence between authority and other forms of social control runs deep. This matters for us in two ways: first, it means there are few ready methods from which to borrow as we approach the issue in relation to the Security Council, and second, it may give reason to believe that such tests are fundamentally impossible.

Thinking through hypothetical tests is important even if one suspects that once developed they won’t be practical to perform; it is useful still for helping to isolate what are the essential features and observable implications of authority. This might help further refine the conceptualization of the term, and perhaps secondary hypotheses might emerge that could be testable.

Having defined authority above as the internalization of a belief in the legitimacy of the Council, the purpose of this section of the chapter is to ask “what could constitute evidence either for or against a claim that this belief exists?” I present three possibilities and compare their strengths and weaknesses. Each of the three attempts to measure a different behavioral implication of the presence of international authority. They focus on compliance, justification, and unavoidability.

The first approach borrows its method from recent constructivist literature that attempts to measure the influence of legitimated norms by looking at state compliance. The rules from the UN Charter that set out the Council’s legal position on the international use of force could be essentially the same as other international norms whose negotiating history and legal status have brought countries to accept them as legitimate. Since the rules appear to give the Council a position of oversight over states’ decisions to use force, this would indeed be grounds for considering them, and the Council as their corporate embodiment, authoritative. To test whether or not the rule is seen as authoritative, we could then borrow from the literature on norms their devices for determining what is or is not a legitimate norm. One such approach comes from March and Olsen’s (1998) distinction between the logic of appropriateness and the logic of consequences. They expect a pattern of behavior around a legitimate norm that is different than that which associates with other kinds of rules. When actors make decisions under the influence of legitimated norms, they behave in ways that they believe are appropriate for actors of their identity in the given situation. Rather than consider the instrumental payoffs that would follow from different course of action, agents automatically pursue the action that they have been socialized to believe is appropriate under the circumstances; “appropriate action is action that is virtuous” (March and Olsen 1998: 951, 953). At an aggregate level, this creates “a community of rule followers and role players with distinctive . . . intersubjective understandings, and sense of belonging.” The decision-making pattern characteristic of the logic of appropriateness is distinctive as compared to that of the logic of consequences: strategic thinking is out, self-motivated compliance is in. While conflicts within the psychology of the actor might force them to sometimes violate one norm in order to comply with another, we should ceteris paribus expect to see compliance with legitimated rules as the default option.

This could be used to formulate a test of the Council’s legitimacy and authority relative to states. Do we indeed observe that compliance with the Council is the default position for states? Or do we observe states making cost-benefit calculations in a strategic manner around their relations with the Council? The former would support the logic of appropriateness and the latter the logic of consequences. A slightly different test might focus on the surrender of private judgment rather than on the act of compliance. Do we observe states making critical judgments about whether or not to comply with the Council based on expected utility?

If the test is cast in this way, the Council would presumably fail to show evidence of authority. The history of the Council reveals little evidence that states comply automatically with its decisions. Despite the legal obligations in the Charter to “accept and carry out the decisions of the Security Council” (Art. 25) and to “join in affording mutual assistance in carrying out the measures decided upon by the Council” (Art. 48), we see nothing like the unthinking acceptance of the Council and its decisions. Further, on the more specific test of the surrender of private judgment we find little in the behavior of states that fits the standard. States continue to act strategically in and around the Council, as they do in all their foreign policies. Their appeals to the Security Council, and the uses to which they put Council past decisions, are inherently political and so can be presumed to have some instrumental calculation behind them. The effect of Council resolutions on state behavior looks nothing like automatic compliance or a surrender of private judgment. While there may be many reasons that compliance takes place, not all of them attributable to the existence of authority (see, for instance, Hurd 1999), the lack of compliance must on this test be seen as decisive evidence against authority.

I suspect that this construction of the test is misleading and ultimately an empirical dead-end, not for any reason having to do with the Council itself but rather for conceptual and practical difficulties in the separation of March and Olsen’s two logics. It is unreasonable to set strategic thinking and socialized rule-following as mutually exclusive categories for decision-making. Authority understood in this sense makes for subordinates who are automatons (Wrong 1961). There can be no strategic thought around authority, and no resistance. State behavior is rarely understandable as either entirely norm-driven or strategic—instead, most decision situations appear to be affected
they are obligated to justify their actions in legal language at the Council, but as long as they are not using independent critical reasoning to decide whether or not this obligation exists then we could conclude that they believe that some international institution, either the Council or the legal discourse, has authority over them.

What evidence is there that the Council is treated in this way by states? There is indeed a great deal of effort by states at the Council to justify their positions in international law—some of this is probably genuine, and much of it likely insincere. Is this evidence for the authority of the Council? It certainly would seem to signal that actors see some advantage from finding support at the Council for their policies. This may be evidence of authority, but it is inconclusive. The distinction between genuine and insincere justification is irrelevant to assessing the evidence of authority since what we are looking for is precisely that actors feel the need to frame their behaviors in ways that they believe will bring approval from the institution. Self-serving and insincere justification is all the more evidence of the institution’s authoritative standing relative to the actor. If the institution were without authority, then actors would presumably feel no need to justify themselves to it.

A final way we might test for authority at the Council expands on the justificatory approach and looks for signs that the Council has entered into the decision-making calculus of states. It looks for automaticity of the influence of the Council on state decision-making. If states must, whether they want to or not, include the Council and its effects on the world as part of their strategic thinking about international affairs, then perhaps this is evidence that they, or some subset of them, take it as authoritative. Not every state will believe in the legitimacy of the institution, and so not all will experience it as a relation of authority, but when enough of them do then all must take that into account when making their strategic calculations. Max Weber (1978: 312–320) referred to this as the “validity” of the social system: the structural condition that occurs when enough members of society believe in the legitimacy of the social order that all must incorporate it into their decision-making (see also Hurd 2007a: ch.2). What is crucial to this approach is that the element of choice has disappeared: states do not choose whether or not to include the Council in their calculations—the Council is embedded in the fabric of the society so that it is unavoidable to actors. It can be fought against, contradicted, and reinterpreted, but it cannot be ignored. It is constitutive of the international society.

What is the evidence according to this test? The Iraq 2003 case shows that even powerful states were forced to frame their policies around the existence of the Council. Both coalitions of states, pro- and anti-invasion, found themselves unable to avoid arguing about minutiae of Charter clauses. Both accepted that Council approval was a powerful resource for states, and so they fought to either win it or withhold it from the other (Hurd 2006). The Council was therefore made to seem all the more relevant and powerful at the
center of the international regime on the use of force. Is this evidence of its authority? Perhaps, but again the verdict is inconclusive: it shows that the Council has some power, in so far as it has the ability to confer or withhold its approval from states, and perhaps the deference shown by the countries that waited for that approval before supporting the war is evidence of its legitimacy to them, but there remain highly contentious unresolved questions: What is the relation between the power of the Council and the states that make it up? Were the defers: countries motivated by beliefs in the legitimacy of the Council or by something else?

More generally, this approach has a real danger of going too far. Defining "unavoidability" as behavioral evidence of authority risks masking a number of other, non-authoritative reasons why an international institution has a prominent place among states. For instance, the Universal Postal Union is unavoidable for countries that hope to participate in international post, and the International Olympic Committee must be dealt with by states hoping to participate in Olympics. Are these two authoritative in their respective fields?

They have power over their spheres and face little obvious opposition, so perhaps this equates to legitimated power. By the same token, Iraq's calculations in 2002 could not ignore the likelihood of an American invasion, just as thieves can't ignore the police and pedestrians can't ignore oncoming cars—these external forces don't add up to authority. The necessity of including an institution in one's strategic calculations may be a necessary consequence of the presence of authority but seems unlikely to qualify as sufficient evidence for it.

Conclusions

This chapter has addressed the question of whether it is possible to prove or disprove the claim that the Security Council has political authority over states in some situations. This required first establishing a common meaning for references to "authority" and then considering what evidence, if any, might be decisive in assessing claims about the Council's authority.

The first goal of the chapter was to define the concept of authority so that we are able to distinguish it in the international system from other kinds of power and influence. My definition borrowed from traditions in sociology and political theory where the concept has been most fully explored, and was set in contrast to the prevailing legalist use of the term in IR literatures. The sociological approach to authority identifies three elements, each necessary and together sufficient: authority is (1) a social relation of hierarchy in which the positions of superior and subordinate are (2) mutually recognized as (3) legitimate. A hierarchy (either among states, or between states and a superordinate rule or institution) that is recognized as legitimate becomes an institution of authority.

None of these three elements is directly accessible for empirical testing, and yet some kind of test is necessary if we aspire to assess competing claims about the existence or absence of international authority. Scholars have argued both for and against the existence of international authority, generally dividing between adherents of the "anarchy school" (which finds that it is conceptually impossible for authority to exist above sovereign states) and partisans of empirical constructivism (who claim to have evidence of authority). Both camps rely more on assumptions than on evidence to found their claims. Recognizing this, this chapter sketched several approaches to testing for international authority at the Security Council. These were all indirect, reflecting the methodological and epistemological problems of accessing the psychological foundations of beliefs about legitimacy (see Hurd 1999). If any of these tests could be shown to be satisfied, we would have reason to conclude that there is at least the possibility that the Security Council is seen by some states as having authority in some areas.

The three pathways for testing each targeted a different implication of authority. These were compliance, justificatory discourse, and "unavoidability." They all share a resistance to positivist methodology, in that they are only weakly measurable and not amenable to strict separation from confounding influences. They all suffer from extreme problems of operationalization to the point that the tests themselves may not produce meaningful results, but the chapter argued that they are worth considering at least for the conceptual clarity that they might contribute to the idea of authority.

Compliance is often used as a proxy for the authority of a rule or institution. In the case of the Council, I argued that its value is very limited because the observable behavior it predicts is identical to that caused by other relations of power. The same act of compliance with the Council might be motivated by, for instance, the fear of physical coercion or incentives offered by other states, and this is not behaviorally distinguishable from acts motivated by a belief in authority. Also, the rate of compliance with Council decisions is both highly problematic to measure and, by the available crude estimates, quite low. At most, we might say that, given the low probability of force by the Council in defense of its decisions, what compliance there is may be better accounted for by a theory of authority than by alternative explanations, but the methodology behind such a conclusion remains weak.

The presence of a justificatory discourse was examined next as possible evidence of authority. The assumption behind this test is that authority may create an internal sense among states that they must justify their behavior in terms approved by the institution. The internal sense is created by the force of legitimation that is integral to authority; legitimation causes actors to believe in the rightness of the institution and so to see conformity with it as appropriate. For this approach to accurately indicate the presence of authority in the Council, states must genuinely believe in the necessity and appropriateness of the need to justify themselves to the Council. If justificatory behavior is purely strategic, the relation of authority vanishes. As with compliance, knowing the motivations behind behaviors of justification is impossible, but where we are willing to make strong assumptions about both state
person-hood and access to their internal motivations we might make tentative conclusions in favor of international authority.

Finally, I considered the test of "unavoidability." Perhaps authority is on display when an international organization becomes an unavoidable part of the strategic calculations of states. This approach shares with the study of justification a recognition that internationalization is crucial to the making of beliefs about legitimacy and authority, but looks at the process of strategic decision-making rather than the discourse of states for its evidence. Where actors reveal, through the process of weighing costs and benefits to action, that they consider an institution an unavoidable part of the choice situation, they may be unwittingly providing evidence that they have internalized the authority of the institution. Even if they have not, by taking the institution for granted on the landscape of world politics, they may be revealing that other actors have internalized it. This is arguably the result of the Iraq 2003 episode: enough states internalized the rule that Council approval was necessary for the Iraq invasion that the U.S., which had not internalized that rule, needed to take the Council's position into account: as it made its strategic decisions.

All three tests struggle against the problem of the observational equivalence of alternative explanations. The behaviors they seek to measure might well be caused by phenomena other than authority, and distinguishing among them hits up against the limits of empirical methodology and epistemology. Asking the question in the form that I used to start this chapter ("Is the Council in a position of authority over states?") invites these difficulties, but remains useful as long as they are admitted directly and respected. We may not be able to operationalize these tests, but by designing them we can gain conceptual clarity on both the idea of authority and the power of the Security Council.

This chapter has attempted to reduce some of the excessive pluralism that has grown up around the concept of international authority. As Susan Strange argued with respect to the earlier regimes literature, pluralism unchecked can be a pathology that facilitates empirical emptiness. Clear conceptualizations and an understanding of the limits of the concept are needed to make it empirically useful.

Notes

1 The last two he illustrates with reference to John Rawls and to Michael Walzer respectively.
2 On principal-agent approaches to IR see Verten's chapter (3) in this volume and the essays in Hawkins, Lake, Nolst, and Tierney 2006.
3 Obligations erga omnes are implicit commitments of states owed to the international community as a whole and so their violation by a state is actionable by any other state. See Ragazzi 1997. A jacta est rule is defined by the Vienna Convention on the Law of Treaties as "a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted." Art. 53 Vienna Convention, United Nations, Treaty Series, vol. 1155.