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Globalization and Sovereignty: The Persistence of an International Norm

Clayton J. Cleveland
University of Oregon
Department of Political Science
1284 University of Oregon
Eugene, OR 97403-1284
Tel: 973-477-2668
Fax: 541-346-4860
Email: cclevell@uoregon.edu

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Sovereignty is considered to be the bedrock foundation for the conduct of international relations. Generally, this statement has been unquestioned in numerous studies and papers exploring the nature of world politics and international relations theory. Since the mid-1980s scholars of world politics have increasingly questioned the role of sovereignty in shaping the outcomes in global politics (Onuf 1991). What does it mean when theorists and practitioners question the validity or even the utility of the concept to explain outcomes? Well, usually the answer would be a great deal. However, the problematization of this concept in world politics in the context of its erosion does not actually mean very much. Sovereignty is an idea which scholars of international relations have treated in different ways yet those various modes of thought all use this concept to understand world politics (Krasner 2001, 19).

This concept has been characterized as a material fact in the dominant international relations perspective, as in the traditional representation of state sovereignty.¹ An alternative perspective that has been growing in popularity is to see sovereignty as the power to affect events or the pursuit of interests. The different conceptions of this term lead to different conclusions regarding the nature of world politics. While the same term is used, it means different things to different authors resulting in theoretical confusion as to how to interpret and use this concept to achieve better understanding of world politics. The role of the state vis a vis non-state actors is increasingly being called into question. The puzzle is whether or not the state is persisting in the face of potential challenges to state sovereignty. The way the concept of

¹ As an analytic category sovereignty usually refers to the state as the only agent which can be sovereign. This essay takes as an assumption that other, alternative agents can make a successful claim to sovereignty. The categorization of the state and of sovereignty leads to the possibility of distinguishing between them and thus the ability to evaluate challenges to state sovereignty. Further in this essay the distinction and the implications of this distinction are discussed.

sovereignty is invoked leads to misunderstandings of its influence upon international phenomenon.

This essay argues the realist argument, that state sovereignty is not eroded by the forces of globalization is accurate. However, the evidence provided by realism falls short of explaining why the persistence of sovereignty is an outcome of world politics. The primacy of power in realist theories falls short of explaining the persistence of the state a sovereign.² Instead the social quality of sovereignty is more useful in determining the persistence of the sovereignty norm set. The construction of sovereignty emerges from interactions among people. Examining this social quality of the institution of sovereignty yields a better explanation for the persistence of the state against potential challengers attempting to usurp state sovereignty.

Globalization in the form of new norms and alternative actors is examined to determine their effects upon sovereignty. Examining the current practice of intervention in the international system, the effect of globalization on large and small states as well as alternative actors that are both supra-national and sub-state, demonstrates that states will remain the locus of sovereignty despite claims that the state is no longer relevant. The disaggregation of the concept of the state from its link to the concept of sovereignty allows for the examination of challenges to the monopoly of the state on sovereignty.

² Arguably Neorealism provides an account of the survival of the state as an actor on the world stage (Waltz 1979). However, the notion that this form of explanation can be applied to any form of actor operating under the conditions of anarchy (Fischer 1992; for a critique of this application see Hall and Kratochwil 1993; Mearsheimer 2001) suggests that for Neorealism the characteristics of the actor are irrelevant for the theory but that the presence of an actor is significant. Thus, Neorealism if an actor is considered to be sovereign by other actors is irrelevant in the consideration of the actors interacting with each other in a system. Control over territory may be the only application of power within the consideration of such theories but it is precisely this feature that allows this type of theorizing to place everything that occurs domestically into a black box. The sum result is that the actor is irrelevant as long as it is sovereign.

Sovereignty

At the end of World War II, a balance was struck between the demands of society and the obligations of governments. Governments, especially those in Europe, became responsible for the welfare of their citizenry including protecting them from the harms of economic events (Gilpin 2001, 369), in a modified form of liberalism known as “embedded liberalism” (Ruggie 1982). However, the ability of states to preserve this balance is being threatened by the forces of what has come to be known as globalization (Rodrik 1997). Many pundits have proclaimed the downfall of the state as an implication of the changes emerging to challenge patterns of political authority and the fundamental nature of international politics (Cerny 1995; Howell 1998; Rodrik 2000; Strange 1996). While this paradox of the persistence of the state in the face of powerful alternative actors operating within the context of increased globalization may indicate to some that the state is an outdated institution, the realities do not merit such an extreme proclamation.

Sovereignty is the “supreme legitimate authority within a territory” (Philpott 1995, 357). Looking at this concept as a set of norms it can operate within both constitutive and regulative modes.³ Sovereignty is considered to be one of the fundamental principles of the international relations because it specifies actors who can operate within international politics. This concept defines the ability or authority of an actor and the recognition of other actors of this authority. Disparities in power may persist which affect the outcome of interactions among these actors, however, the constitutive effect of the norm specifies which actors are welcome at the playing table. The regulative functions of this set of norms specify behavior that respects the authority

³ For the distinction between constitutive and regulative norms see (Dessler 1989, 454-5).

of individual actors who have mounted successful claim to sovereignty. For instance, one state respecting the sanctity of another states embassy is a norm of behavior for states which stems from the set of sovereignty norms.

Sovereignty and Sovereign Claims

When examining the component parts inherent in the term “sovereignty” it becomes necessary to look at what sovereignty is in and of itself *and* the agents who make a claim of being sovereign.⁴ Claims have been made for the sovereignty of individuals, collective groups and various institutions. However, in international politics, the term most frequently refers to the sovereignty claimed by a state within a system of states. As an analytic tool, the term state sovereignty refers directly to the application of sovereignty to the entity of the state interacting with other agents. Distinguishing between a state, sovereignty and state sovereignty is a necessary to understand the potential for the erosion of the set of norms of sovereignty. The reason for this is that an understanding that focuses solely on the state itself as the sole agent of sovereignty will only form conclusions based on the state without the consideration of alternatives. When theorizing takes the state as the fundamental agent within the international arena and other entities are thought of as irrelevant then the logical conclusion is that there cannot be challenges to claims made by the state to sovereignty because it is assumed that no alternative agent can be sovereign. As an assumption this cannot be test nor falsified to promote theory construction around the concept of sovereignty.

⁴ The distinction between an institution (the set of norms for sovereignty) and instances of the institution (claims to sovereignty by agents operating in the international system or society) is made by Wouter G. Werner and Jaap H. De Wilde. The example they uses is the distinction between the institution of marriage and a marriage between Mr. and Mrs. Smith (Werner and de Wilde 2001, 293).

Liberalism and State Sovereignty

Neoliberal institutionalism also regards states as the primary actors within world politics. Despite the incorporation of additional actors into their analysis, states are given a predominant position in their analysis. International governmental organizations and sub-state actors are seen as contributing to international outcomes but are not decisive factors. At best they are intervening variables which states must negotiate in the pursuit of their interests. The results of interdependence and the integration of the globe is what Neoliberal Institutionalists suggest is responsible for the decline in sovereignty (Keohane and Nye 1977).

Realism and State Sovereignty

Traditionally, the use of the concept in the international system is derived from a realist position. For example the viewpoint on sovereignty that Stephen Krasner takes categorizes different, sometimes overlapping, but not necessarily mutually exclusive, categories of sovereignty (Krasner 1999). The four types he outlines are interdependence, Westphalian, international legal and domestic sovereignties. These types deal with the main facets of sovereignty that effect the political world. The first type of sovereignty deals with the ability of a state (the entity that is considered sovereign in this point of view) to control cross border transactions. Westphalian sovereignty refers to the conception of the absence of an authority which is supreme in the international arena. This is of course the principle which gives structural realism weight in the study of world politics. The third form of sovereignty deals with the recognition by other sovereign entities and their ability to enter into binding agreements. Without such

recognition then the claim to sovereignty fails. The last form of sovereignty Krasner distinguishes from the others because it is held inside the black box of the state. Although, the interaction between domestic sovereignty and the others may come into play to condition the behavior of states it is not an area which Krasner focuses upon. This form of sovereignty deals with the absence of an authority domestically to compete within the state.

One of the difficulties with this interpretation of sovereignty in four component parts is that the individual types of sovereignty identified do not all share a set of core attributes. They are distinct entities that share some relation to the state causing them to be grouped as types of sovereignty. However, aspects of what he groups together are not comparable categories. In some capacity, Krasner's analysis suffers from the problem of dissimilar concept comparison. For example, interdependence sovereignty sticks out as a type of sovereignty that has little commonality with the other forms. The interdependence sovereignty conflates the concept of control and authority preventing a very good conception of what is at issue in dealing with the relationship between sovereignty and globalization (see Werner and de Wilde 2001). If sovereignty is fundamentally a question of authority rather than capacity then this interpretation of a type of sovereignty is problematic for the analysis of what occurs in the international system. This becomes problematic because it relies on phenomenon external to the fundamental concept of sovereignty for evidence of sovereignty.

States in a System of Sovereign States

A state possesses specific attributes that are necessary before the entity can make a claim enabling it to be recognized by other sovereign agents.⁵ First, a state must have a specific territory that is limited by a border. This characteristic has proven difficult for some nations of people vying for self-determination. For instance several hundreds of years past after the Peace of Westphalia in 1648 ushered in the current nation-state system before Israel was established as a Jewish state after World War II. Another example is demonstrated by Poland which ceased to exist as a state for several periods of time, but continued to exist as a subjugated people. Second, the state needs to have a group of people living together within the state's territory. This willingness to live together may not be overt but some form of tacit acceptance of the people's way of life is necessary. The third characteristic of a state is a government with executive, legislative, and judicial functions.⁶ Through these functions, the government exercises effective authority and control over the territory (Biersteker 2002, 162).

After these three qualifications have been met, a state can then attempt to make a claim to have the "supreme legitimate authority within a territory" (Philpott 1995, 357). Sovereignty is a claim of authority which has to be recognized by others for it to be a legitimate claim. As such it is inherently a socially constructed concept that uses constituent parts that are also socially constructed (Biersteker and Weber 1996). It is only within the realm of social interaction is sovereignty becomes relevant. If a claim for

⁵ All states have standards for recognition of other states. For example, the term effective internal sovereignty one of the criteria the United States uses for recognition.

⁶ These three functions may be distinct. However, they may be located in the same domestic actor as in a dictator or divided into different domestic agents as in an industrial democracy which has the separation of powers.

sovereignty is made in a vacuum, without a specific audience, then there is no such thing as sovereignty.

A sovereign agent is much more difficult to identify than defining the concept itself (Löwenheim and Paltiel 2004). Who has a legitimate claim to sovereignty is more complex (Barkin and Cronin 1994). Understandings of the authority of the institution known as the state are generally agreed upon. This is true especially when examining the relationship between a state's government and its citizenry. No one disputes the United State's claim of sovereign power. However, less powerful states' claims are seen as tenuous. For instance, the 'sovereign' government of Somalia has been headquartered for many years in neighboring Djibouti. Failed states such as Somalia clearly have no institutional structure and are thus lacking even the most basic of the necessary qualifications for sovereignty (Zartman 1995).

Breaking the interpretation of sovereignty into its component parts includes three significant clauses. The first, 'supreme' means that authority is uncontested in this area. 'Legitimate authority' means that the sovereign is operating within an acceptable sphere of activity. The sovereign is seen as acting in a proper manner. The final clause may seem like a tautology especially when the previous two clauses refer to a specific area. However, the term "territory" limits the authority of the sovereign, also known as the government of the state, to a specific area denoted by a specific territory. Different systems have answered the question of who is sovereign in different ways. The principle that legitimizes a specific pattern of authority is what becomes relevant for the ordering of a system (Hall 1999; Philpott 2001).

Sovereignty means a claim to supreme authority within a particular sphere usually defined in terms of territory. This is a traditional notion of sovereignty, otherwise known as Westphalian sovereignty (Krasner 1993; Philpott 2001). The supreme authority indicates that there are no other legitimate claims to authority within that particular sphere. Any control over that authority must be designated by a legitimate authority, i.e., the sovereign.

While the characteristics of territorial or Westphalian systems of sovereignty are not immutable, they provide guidance for the interactions and politics among the states in the system.⁷ The application of the norm of sovereignty in international relations persists despite repeated violations of this rule. The persistence of this norm is perhaps best explained by Friedrich Kratochwil and John Gerard Ruggie's argument that norms are counterfactually valid. Norms are counterfactually valid thus the violation of norms would hamper the conception of causality and refute the positivist notion of covering law for the development of theory (Kratochwil and Ruggie 1986).

International law includes terminology that classifies events or phenomena which, despite their occurrence outside the territory of a state, still fall within the authority of the state. The claim is that events or phenomena of this type still fall within the sovereignty of the state. The terminology used in international law is extra-territorial sovereignty. This form of sovereignty is usually applied to the status of embassies as well as other diplomatic issues. One of the norms embedded within sovereignty is the immunity of diplomatic personnel extended as a matter of courteous reciprocity to promote goodwill among nations. In addition, it would make matters very difficult for antagonistic states to

⁷ For an analysis of types of norms (see Kratochwil 1989).

conduct foreign policy with a state that has arrested or detained diplomatic personnel. Over time, this norm has been internalized as a portion of the conduct of behavior for sovereign states. This is one of the reasons that withholding the recognition of a legitimate claim to sovereignty may become problematic especially for the conduct of foreign policy. Such matters influenced the recognition of the People's Republic of China rather than the Republic of China.

All interpretations of sovereignty share a common assumption which explains why it is used to describe a certain class of phenomena. Different authors employ the term to describe different events, as illustrated by the extreme set of interpretations used by Krasner. At the foundation of the term is the exclusive authority of a state whether it is in terms of a lack of internal competition as in domestic authority or freedom from any international authority (Wendt and Friedheim 1996, 240). This is that there is no other form of authority to compete with the agent. Neorealism draws from this feature to form the structure of the international system (Waltz 1979). The locus of territoriality is still an important part of the consideration of sovereignty (Rudolph 2005, 2).

The Concept of Globalization

Globalization has become one of the most profound forces of our time. What globalization is, however, as a concept is vague and ambiguous. Despite the “wooly” nature of this term, it has had concrete effects on the planet Earth today.⁸ Globalization can be interpreted to mean many things but one idea behind the forces driving globalization is the notion of the integration of the world into a single stage. This idea

⁸ The term ‘wooly’ comes from Susan Strange’s use of the term to describe the ambiguous nature of the term regime and its uses for the social sciences (Strange 1982).

encapsulates the notion that events which occur in one place of the globe have an effect on the entire world. An event can occur anywhere and it will be heard or seen around the world. One example of such phenomena is the effects of environmental degradation. Pollution is emitted from a smoke stack in Los Angeles, California, which, due to the wind, crosses the border without showing a visa to the guards and enters into Mexico. At the same time, pictures of the Antarctic land mass show the ice is melting most likely from human influenced green house gasses such as the type emitted from the smoke stack. An additional example is the ramifications of the Asian financial crisis which began in 1997, the effects of which are still being felt today.

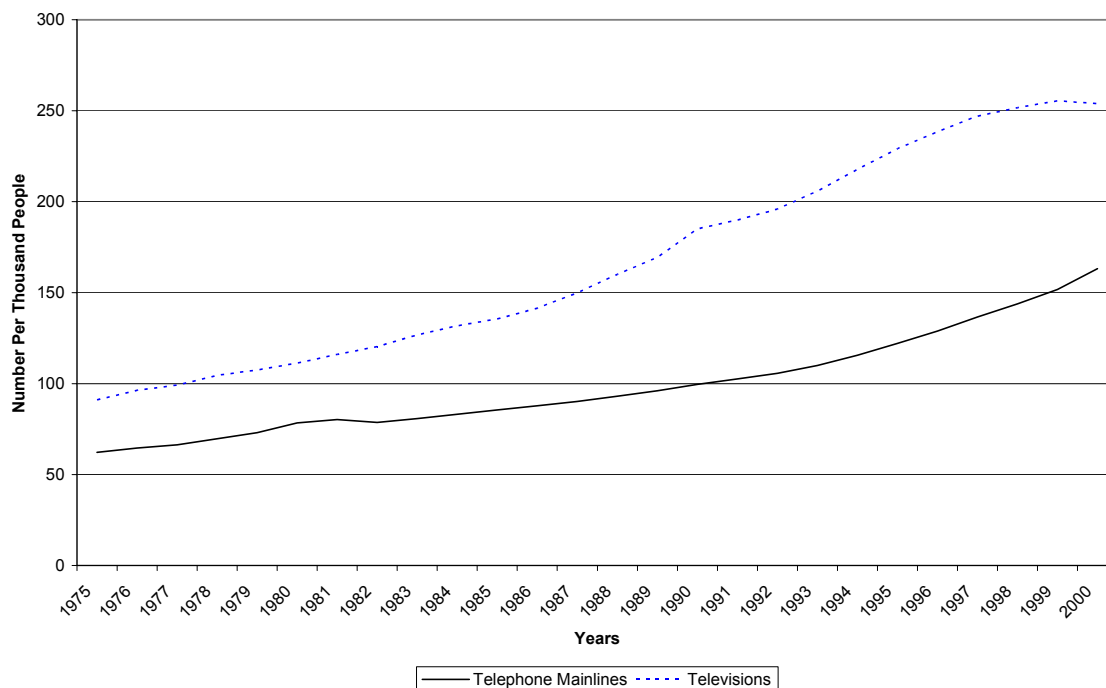
There are various definitions of globalization prevalent throughout the social science literature. Specific themes of commonality emerge to include economic and social forces encapsulated into the meaning of this buzzword. The vagaries that surround the term make it attractive for policymakers and commentators to use the word when describing a plethora of phenomena for which they do not have complete, or in many cases, even basic explanations. Integration tends to be a common idea when discussing globalization. This includes globalization as an economic phenomenon such as "...the removal of barriers to free trade and closer integration of national economies..." (Stiglitz 2003, IX). Additionally, globalization has been defined as "[g]rowing interdependence between different peoples, regions and countries in the world" (Giddens 1997, 582).

More thorough definitions allow for the examination of the effects of economic forces upon social relations. These interpretations view globalization as a process rather than an event. One sociological interpretation within this category defines globalization as "[t]he process whereby political, social, economic and cultural relations increasingly

take on a global scale, and which has profound consequences for individuals' local experiences and everyday lives” (Bilton 1996, 660). Others see globalization as “... the closer integration of the countries and peoples of the world which has been brought about by the enormous reduction of costs of transportation and communication, and the breaking down of artificial barriers to the flow of goods, services, capital, knowledge, and (to a lesser extent) people across borders” (Stiglitz 2003, 9). Some interpretations emphasize the multiple causes and effects that fall under the heading of globalization. Once such interpretation views globalization as “...a process (or set of processes) which embodies a transformation in the spatial organization of social relations and transactions, expressed in transcontinental or interregional flows and networks of activity, interaction, and power” (Held and McGrew 2001, 324). Other interpretations see globalization as “...a set of economic and political structures and processes deriving from the changing character of the goods and assets that compromise the base of the international political economy” (Cerny 1995, 447).

Other commentators of these phenomena focus on the effects of globalization rather than the source or sources of the effects. Economically, globalization has resulted in the “...rapid economic and technological integration of national societies...” (Gilpin 2001, 364). These factors of global economic integration include the changes in trade flows, multinational corporations and developments in international finance (Gilpin 2001, 364). However, globalization is neither uniform nor homogeneous. Further, the state system is increasingly characterized by a plural or composite structure sometimes called “plurilateral” (Cerny 1995, 446).

Graph 1 - Televisions and Telephones World Wide



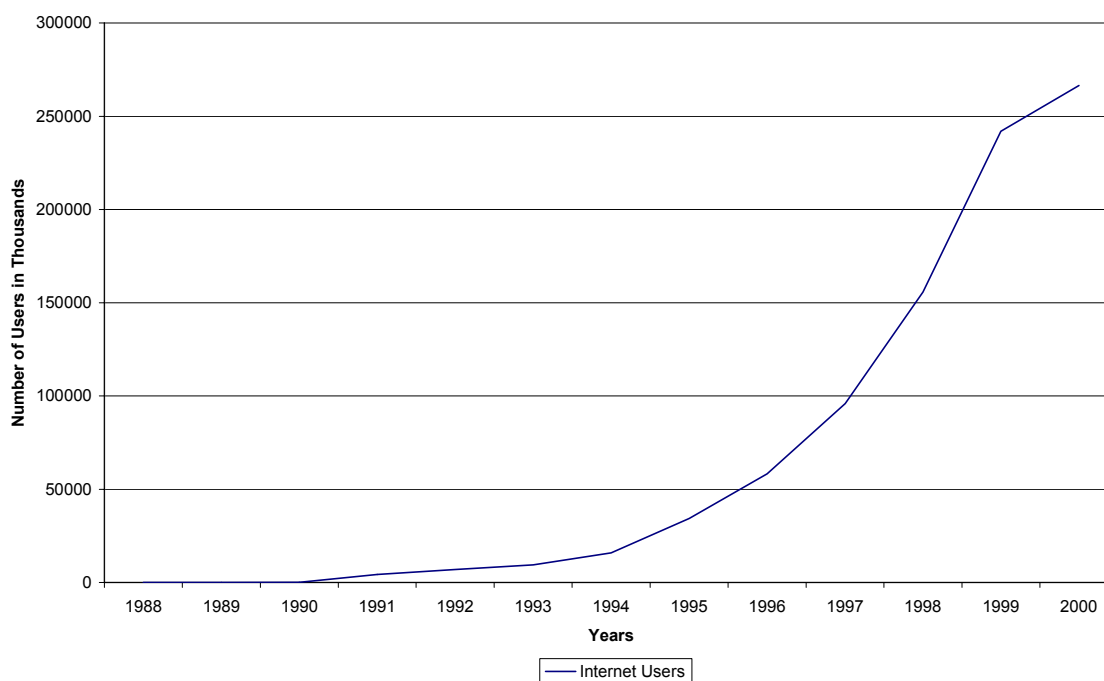
While the environment and economics are extreme manifestations there are other processes within globalization which add fuel to the fire, so to speak. Notions of power are becoming less bound by formalistic institutions such as the state (Strange 1996). More people day by day have access to information and media which has never been available before. Graph 1 shows the worldwide increase in mechanism to transmit information.⁹ The availability of telephones and televisions sets demonstrates the increase in technology which is allowing greater access to sources of information. In addition, a new source unavailable until the 1990s, the Internet, allows for even greater information dissemination (see Graph 2).¹⁰ Even allowing for population growth, the numbers of people using various media outlets has grown tremendously. Access to

⁹ The source for Graph 1 is The International Bank for Reconstruction and Development/The World Bank, "The 2002 World Development Indicators CD-ROM," Win*STARS Version 4.2, (*WDI 2002 CD-ROM*).

¹⁰ Graph 2's source is The World Bank, *WDI 2002 CD-ROM*.

information is a crucial step in opposing authoritarianism and violations of human dignity. The power of the dissemination of information through mechanisms such as the Internet can be seen in the Transnational Advocacy Networks (TANs) that made up the International Campaign to Ban Landmines (Cameron 2002; Keck and Sikkink 1998).

Graph 2: Internet Users World Wide



The resulting diffusion of power may allow people to gain greater control over their individual destinies as power spreads from concentrated nodal points of authoritarian control. Despite the potential improvement in the efficacy of the average person, responses to the effects of globalization have also increased threats to bodily harm (Barber 1996).¹¹

Accompanying the diffusion of power in the world today is the emergence of new roles for old actors. The participation of Nongovernmental Organizations (NGOs) in

¹¹ The ultimate expression of this potential for people from one place on the globe to cause harm to people from another are the terrorist attacks which took place on September 11, 2001.

TANs and groups of people within states have increased in power relative to state structures (Strange 1996).¹² NGOs have grown into new positions of advocacy and service provision which accounts for the failure of states to provide for the needs and interests of its citizens (United Nations Development Programme 1999). Groups of people struggle for self-determination against the dominance of the institution of the state in places as diverse as Mexico, China, Spain and East Timor. These activities and the people who motivate changes in international politics are challenging the primacy of states in the eyes of many people (Cerny 1995; Strange 1996).

These interpretations are primarily based on two different things. Either they are based on a process occurring or they are based on the effects of a phenomenon. The latter uses a particular value of the dependent variable as the concept itself. Automatically, this produces problems with this form of conception. The form interpretation based on a process is more difficult to untangle. However, it suffers from a similar disadvantage. The process of interaction is a dynamic one within these interpretations of globalization. Because there is a process there is motion which is implied automatically. However, the problems is that the value of the interaction cannot be scored. The presence of the process itself can be established but the relative degree of the process cannot vary.¹³ How can a process of interaction be measured in either a qualitative or quantitative way?

¹² Phillip Cerny stresses the change in state institutional responsiveness towards their citizenry that is pushing them to seek alternative methods of satisfying their interests and solving their problems (Cerny 1995). This is similar to Strange's claim that power is becoming diffused in the international system but working from a different direction.

¹³ However, the opposite cannot be easily established. How can the absence of a dynamic process be demonstrated? It is more likely that the observer has identified points in time where there is no interaction but not that interaction does not take place.

One particular problem with interpretations that specify a normative condition of existence or of reality is the limitation they place on the ability of globalization to vary. By specifying globalization as a factual state, the concept is not allowed to vary. It remains static in the face of a tempest distorting what is really happening. Thus, the conception of globalization, needs to allow for it to take on any reasonable value for it to be a variable. In a sense, the variable of globalization should have the ability to take on values that it does not necessarily take in reality (King, Keohane, and Verba 1994, 10, 80-81; Waltz 1979, 74). For instance, normative interpretations of globalization prevent the concept from having the capacity to adopt a value of zero or none. Most interpretations of globalization can never have the value of no globalization of any kind. Even worse they make it hard to distinguish between qualitative degrees of globalization. Utilizing such a form of this variable does not provide the concept of globalization with any explanatory power.¹⁴

Globalization can thus be interpreted as the degree of integration in the world due to the improved ability and reduced costs of transportation and communication. As a concept this interpretation integrates changes in the world that are compatible with the view of globalization as transforming the world into a single entity or one stage. This interpretation has at least two additional advantages over its competitors. First, this definition specifies a state of the world that can vary. It holds the possibility of taking on different values and can be compared to hypothetical or counterfactual examples. Secondly, it eliminates forms of integration that are not due to either transportation or

¹⁴ While such methods may not advance explanation they can still provide a great service for the pursuit of knowledge. Such methods still have their uses in descriptive research such as the method used by (Geertz 1973). See especially chapter 1: "Thick Descriptions: Toward an Interpretive Theory of Culture," 3-30. Description is a necessary part of forming causal arguments but is not a substitute for this form of explanation (King, Keohane, and Verba 1994, 34).

communication technology changes as a cause of the process of integration. Integration and other forms of cooperation would not fall under this interpretation. Periods of time containing institutions such as the Concert of Europe or even the alliance structure of World War I would not be identified as periods of high globalization despite the high degree of cooperation which took place among various countries. This interpretation can be seen as the analogy of the world as a single stage. They fit together well rather than strict comparisons of international cooperation when the globe and the people within were not integrated. The things that make this period of globalization different from previous periods tend toward the speed of the changes in the world rather than the world changing itself. An interpretation of globalization should harness this explanatory power to provide a better understanding of today's world. The interpretation of globalization offered provides a better foundation to move towards such an understanding.

Changes in the System

At this level changes in the international state system emerge from the legitimacy of different forms of claims to sovereignty. The fundamental nature of international order is thus based on the form of the claim to sovereignty. Sovereignty exists as the bedrock upon which all subsequent interactions in the international system are based. International norms specify legitimate actors within international politics (Finnemore and Sikkink 1998). The norms that make up the institution of "sovereignty" specify which actors can participate in the game of international politics. Changes in the fundamental order of the international system would include the demise or replacement of the state. This fundamental change in legitimacy of the actors on the world stage emanates from

the principles that legitimate the system (Hall 1999; Philpott 2001). Simply put, sovereignty is a constitutive institution.

Changes in what is a legitimate claim to sovereignty may emerge and bring about the end of the state in a manner similar to the mortality of the divine right of kings. However, states happen to have a monopoly over the legitimate use of force as well as a monopoly on legitimate claims to sovereignty. The closest form of an opposing claim to sovereignty could come from either Multinational Corporations (MNCs) or Nongovernmental Organizations. These forms of organization (not based on political organization) have their own problems with representational legitimacy (Kilby 2004). At the same time, sub-state actors continue to put forth claims to self-determination and thus upon statehood to acquire legitimacy in the eyes of the international community (Gilpin 2001, 362-3).

Sovereignty and Sub-State Actors

Proponents of this withering of the state tend to focus upon non-state actors, such as IOs, MNCs or NGOs as the bearer of the future political order. They may be correct, but if so, the seed has yet not been fertilized. The prospect of an alternative to the current state based system fails to emerge regardless of the dearth of criticism of state centric paradigms (Wæver 1998, 721). The different forms of political order that existed in the past have included a feudal order and empire. The argument for alternatives suggests that the changes will occur in the next 50 years or so (Matthews 1997). If this is accurate

there should be some signs of its emergence or evidence of changes in patterns of authority in the status quo. As of yet these signs do not exist (Norris 2000).¹⁵

Phillpott identifies a fundamental shift in the nature of claims to sovereignty after Westphalia. This change, he identifies, is the shift from the legitimate claim to sovereignty of the state to the nation-state (Phillpott 2001). The implications of this shift are that legitimacy emanates from people rather than an institution of government or principality. This fundamental shift in what constitutes a legitimate claim brings the discussion back to the question of non-state actors and specifically NGOs. Claims of the representation of society or the people by NGOs have emerged as one of the key components of the arguments in favor of the replacement of the state with a new form of political organization (Weiss 1997, 3).

That, non-state actors have been increasing in power relative to the state is a common claim in globalization discussions. However, this is a mischaracterization of the power of the state in the current era with the system of sovereign states. Appeals to absolutism and the divine right of kings presents a characterization of the all encompassing nature of the state *vis a vis* its citizenry. Historical accounts of the totalitarian Nazi Germany and Stalin's USSR have helped promote this fear of state control and dominance.

Other theorists have argued power is shifting from the institutions of the nation-state to sub-state actors. This is a prime example of taking a few pieces of accurate information and applying a mischaracterization to the state of reality (Fergusson 2004,

¹⁵ Of course, spontaneous change within the system can occur. However, this has two implications. Either the observer has no way of knowing that these changes are coming because they are spontaneous or they are spontaneous because the observer does not understand what is going on. It is the latter that this paper seeks to clarify.

38). The facts that Niall Ferguson and others have expressed correctly are the synergistic formation of both integration as well as disintegrating forces that are exerting pressure in today's political economy. The formation of a shift in power to both the supranational and the decentralization of power is a good representation of these forces. Thus his characterization of the downward forces is accurate. But at the same time, the upward shift in power toward supranational institutions of some form or another is also present representing both a response and a cause of the push for decentralization.

An additional problem that exists in this part of Ferguson's argument is not the monopoly of the state on the means of violence. This becomes a reference to Max Weber's interpretation of the state that is lacking the crucial portion of Weber's argument that provides a fundamental notion of most political theory (Weber 1946b). The use of Weberian conceptions of the state permeates almost all of the teachings on social theory and policy making in some form or another. Whether the tradition for research is qualitative or quantitative, the influence that Weber has had upon social science is undeniable. This is why it is a profound mischaracterization of the qualities or key defining characteristics that embody the state.

Ferguson and others have argued the state's monopoly over the means of violence is eroding. There may be some argument for a revolution in the means of violence.¹⁶ Lacking such an argument in international affairs leaves social scientists to examine changes in sovereignty and the means of violence from a status quo perspective. Weber's interpretation of the state is holding a monopoly on the *legitimate* means of violence (Weber 1946a). The distinction is crucial for any interpretation of the state. For the state

¹⁶ This proposition, while outside of the argument of this paper, does not seem likely. As of yet, some form of revolution in the nature of violence and its means seem highly improbable.

to become an actor in a world political economy that holds less importance than it has since the Nation-State system came into being, Weber's distinction about the legitimate use of force would have to change as a norm of behavior for the collective actor known as the state. If states are no longer seen as the legitimate actors when it comes to the use of violence then they will no longer be able to command authority as collective actors to carry out binding decisions for the societies they claim to represent. Violence will continue to be utilized by illegitimate actors both within societies, at the sub-state level of analysis, and in the world political economy. The use of violence by criminals who operate illegally has occurred since before the nation-state conceptually came into existence and will continue after the concept becomes archaic. Until such a time when violence can be used to delegitimize the state rather than increase the call for the use of force in response to the use of illegitimate violence, the claims made by those such as Ferguson will not reflect the actual reality of social existence.

The use of force as a norm in the world political economy refers to force that is officially sanctioned by the perceived legitimate sources. This, of course, draws upon Weber's interpretation of legitimacy. The inclusion of private instead of public military or security forces has been claimed by some to represent the newest phase of the effects of globalization where the monopoly on violence held by the state is reduced (Fergusson 2004). The problem with such an interpretation of recent events including the use of private security forces by the United States in Iraq is the official sanctioning of the use of these forces. They have become de facto military officers in the U.S. military. In the same sense that the U.S. contracts for the service of these private actors they also contract for the use of official military personnel for a specified tour of duty or commission. This

forms an official sanction that confers legitimacy upon the activities of these forces in specified spheres of action. Even when traditional armed forces step beyond legitimate use of force there are consequences they have to deal with including the Geneva Accords which specify appropriate military behavior. There are limits imposed by international society upon the behavior of states in military affairs.

There are two other classifications of sub-state actors besides NGOs that have been claimed to be challenging the authority of the state. These two groups are MNCs and sub-state nationalities. The latter falls into a category that is easier to comprehend in the analysis of sovereignty. Globalization has given groups of people striving for a nation a better ability to communicate and coordinate action amongst themselves. Globalization has not changed their goal. The goal of these sub-state collections of people struggling with their nationality is to acquire a state of their own (Gilpin 2001, 362-376). There is an attempt to claim sovereignty based upon the legitimacy of the state's representation of their nation. Their attempt to remove themselves from the sovereign authority of their current nation-state to one of their own making does not represent a threat to the institution of sovereignty. Rather, there is a reaffirmation of the legitimizing principle of claims to sovereignty.

The other potential actor on the world stage is the MNC. This actor is more difficult for the state to deal with in terms of its authority because of the large degree of economic power these entities wield. To the institution of the state, they are a necessary evil due to the ability of businesses to generate resources.¹⁷ The ramification of central economic planning has demonstrated the inability or inefficiency of the state in

¹⁷ The evil in the necessity of MNC and other forms of businesses for state entities is due to the lack of control a state has over economic affairs and businesses specifically. That is to generate resources for the state to gather through taxation, economic activity is necessary to create taxable wealth.

controlling the private sector. This experience demonstrates the lack of potential of a private sector enterprise from being able to replace the state as a form of political organization. Because of the different motivations, these two actors will continue to coexist.

The following three actors can also be examined as the three pillars who constitute a society. These three pillars are the public, private and non-profit sectors. The public sector, of course, represents the state. MNCs represent the private sector. NGOs are frequently seen as the manifestation of civil society. All three are necessary portions of a functioning society. Some form of partnership between at least two is necessary for political stability. Democratic theory suggests associations between the individual and the state, are necessary for the functioning of society. One form of this theory suggests civic associations are necessary to form networks to ‘make democracy work’ (Putnam, Leonardi, and Nanetti 1993). NGOs may be the imperfect expression of this ‘third sector.’ While two pillars may generate political stability, the private sector is necessary for the generation of resources that enable the state to function. As such, while they are necessary, representations of two of the pillars are unable to replace the legitimate claim of state sovereignty.

Sovereignty and Supra-State Actors

A second area exists that challenges the sovereignty of the state. Supra-state actors are increasingly seen as having a role on the world stage. These actors include the United Nations, the International Monetary Fund (IMF) and the World Trade Organization (WTO), among others. The organizations, including the IMF and the WTO,

that make up International Financial Institutions (IFIs) tend to be a focal point for criticism and opposition to globalization (Stiglitz 2003).

As if by definition, membership in an IGO places limitations on state sovereignty. That is, the state cedes a specific amount of authority to an IGO. Thus, if there are more IGOs today than in a previously designated period of time, such as 1945, the sphere in which the state is sovereign must be smaller than in the previous period of time. This presupposes a particular interpretation of state sovereignty that involves a claim to the authority to control a certain sphere that is normally subsumed under a state's claim to unrestricted authority. For example, the sovereignty of the United States has been limited by the multilateral framework of institutions that the U.S. is a member of, providing patterns of behavior that are expected by other actors (Ikenberry 2001). An IGO is designated to act within a certain framework by a state in exchange for benefits that it cannot acquire in either a more efficient manner or at all (Abbott and Snidal 2001). The IGO is delegated control over the area specified by the state. The authority of an IGO ultimately rests with its membership. The easiest way to reassume the authority delegated to an IGO is to cancel the state's membership in the organization.

A second argument advanced is that frequently legitimacy is conferred by IO's rather than states. Discussion of International Organizations sometimes include nongovernmental organizations. NGOs were already discussed above. This section is restricted to governmental based international organizations. The term "IO" stands for International Organization based on state membership. "IO" can be translated into an Inter-Governmental Organization. This is the same as the term discussed at the beginning of this section. In fact, there is really no instance of a non-governmental

organization deploying its own military in a legitimate use of force. Even when outside support has attempted to confer legitimacy upon rebel forces, these groups have not achieved legitimacy until they have also assumed the mantle of state-hood.

This still leaves the conception of a non-state actor bestowing legitimacy on certain activities of nation-states. IGOs are made up of states and are thus agents that represent states in some capacity or another. This means that states sanction or decide whether or not an IGO can legitimately act in a specific area. Then, an IGO can bestow legitimacy upon the activities of a state. Also, when the use of force is deemed appropriate by the international community of states acting through an IGO, then generally speaking, the IGO delegates the actual use of force to a state. States in the UN retain nominal control over their forces and decide if they want to allow the UN to use them or if they want to pull them out. The UN forces do definitely suffer from a lack of loyalty of troops towards the IGO and thus face some difficulty in the use or deployment of forces. They cannot act in their own right without the sanctioning of the use of troops donated by its membership. In the case of the legitimacy of the use of force by a state against another state, the issues of the UN or another IGO conferring legitimacy are a little more murky. However, the example of the use of force by the US in Iraq presents a real life example where international legitimacy, at least through international politics, had an impact. Although, this impact is not what traditionally would be presumed.¹⁸ It is important to note that while the UN did not confer legitimacy upon US actions in Iraq, as with possession being nine-tenths of the law, the US is still there.

An IO cannot force a state to act contrary to its own interests. By definition this means an IO lacks power over the states who constitute the membership of the IO (Wolf

¹⁸ For a discussion of the UN's legitimacy and the US use of force (see Hurd 2004).

2001). If IO outcomes are reflective of the interests of states then the outcome of the interaction within the IO will reflect the power asymmetries of its membership. Power can be defined as the ability to achieve an end despite the resistance of others. If IOs are reflective of the interests of its membership and an IO forces a state to act against its immediate interests then the outcome is a demonstration of the use of state power through the IO to affect the outcome of other states behavior. In the end, the single state is not acting contrary to its own interests by appeasing or allying itself with a stronger state. The outcome of what can be perceived as acting against its own interests is an example of the outcomes generated by differences in power between states in the international system.¹⁹

Perhaps the largest issue of concern regarding IGOs and their threat to sovereignty is the issue of conditionality. IFIs and other IGOs condition their assistance upon specific criteria the state has to fulfill in exchange for the assistance. Automatically, it is claimed, by agreeing to receive the assistance the government of the state is relinquishing its sovereignty to the IGO. The nature of conditionality, proponents argue, is as a fair exchange of resources for a guarantee on the investment. Critics, on the other hand, see conditionality as a form of coercion (Willett 2001). In terms of power, IFIs forces the debtor country to implement policies that it would not ordinarily do.²⁰

While conditionality is a form of coercion, in theory, several issues about this mechanism need to be taken into account. First is the nature of the agreement. As it occurs in domestic law, one party asking another for assistance and both concluding an

¹⁹ For an analysis of IOs as the formal rules and procedures of international regimes acting as intervening variables see (Krasner 1983, 365-368).

²⁰ For a discussion on power, see (Macdonis 1995, 434-435). For a discussion on the uses of power in political science (see Dahl 1957). For a discussion on the uses of power in international relations (Baldwin 2002).

agreement over the terms comprises legitimate contract between the parties. The lack of coercion, even if there are differences in power between the two parties, is the crucial question in the formation of the agreement if the contract is to remain valid. Thus, the context in which the agreement is formed becomes very important if there is coercion in the formation of the acceptance of conditionality between states and the IFIs.

When looking for coercion in the formation of agreements between states and IFIs it is important to remember that the IFIs cannot seek out states to lend money. As part of the agreement that forms the individual IGO, the IFI can only provide assistance to states who ask (Blustein 2001, 51). If there is coercion, why do these states ask for the assistance in the first place? During the Asian Financial Crisis in 1997, this proved to be problematic for Thailand. The Thai government did not want to display its internal economic figures to the IMF delaying and almost preventing the IMF from coming to Thailand's aid (Blustein 2001, 51-84). It would seem that the state who wants assistance is exercising their choice to ask for assistance providing support for the institution of sovereignty. States freely decide to behave in a certain way in exchange for the benefits that accrue due to the IFI's assistance.

A second issue with conditionality concerns the compliance with the conditions. If the assistance is given with the understanding that the state cedes authority in a particular sphere of action and then the state proceeds to act within that sphere there is really no loss of sovereignty. Graham Bird's analysis of the IMF demonstrates that compliance during the 1980s was low (Bird 2001, 293).²¹ If the IMF's policies on conditionality are analogous to other IFIs then in practice the use of conditionality is no threat to sovereignty.

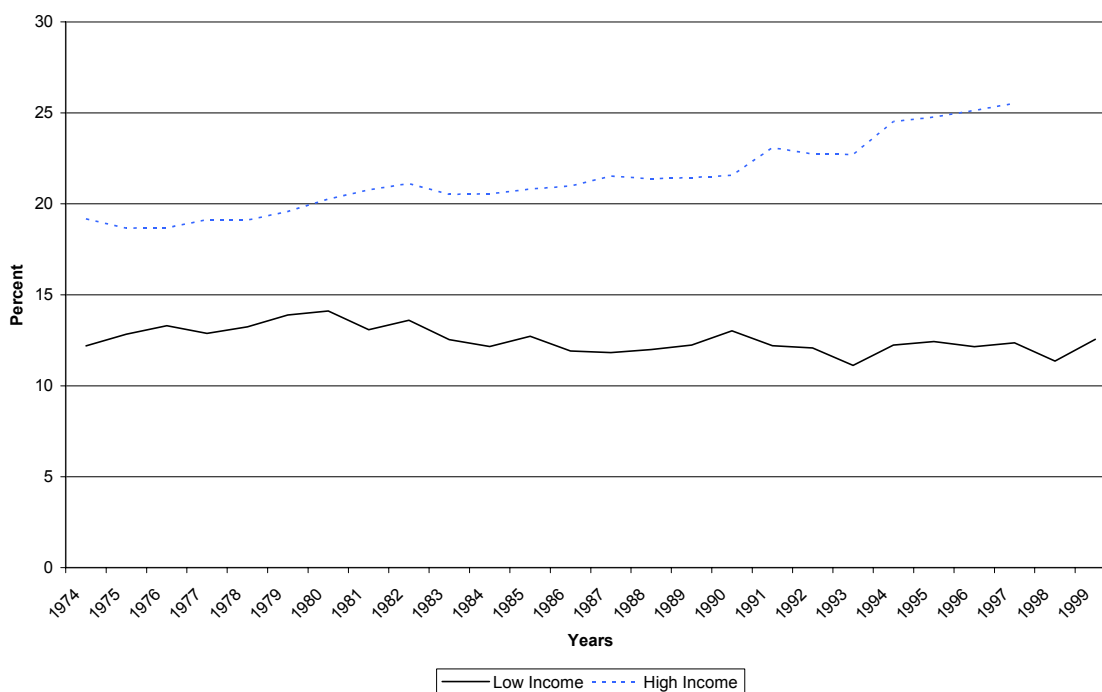
²¹ Compliance with conditions set by the IMF is taken as equivalent to non-completion of the program.

The third issue of importance concerns the role of the IMF and other IFIs as the lender of last resort. Economic conditions have deteriorated to the point a government has no where else to turn for the necessary funds to keep their economy afloat. The IMF has become a lender of last resort for developing countries whose sources of credit elsewhere have dried up (Bird 2001, 286). The reason why there is a constraint on the choices applied due to conditionality is more likely to be due to the nature of the economic problems facing a government rather than the IFI imposing conditions. In other words, the government has run out of options even before they approach an IFI.

Small States and Large States

One of the most basic difficulties is assessing sovereignty in light of globalization is the differences in power of different states. It is generally thought that political structures take their form from the most powerful actors within a system (Waltz 1979, 76). In a system composed entirely of states the most powerful states will form the structure of the entire system based on their interactions. Even international regimes are created by a hegemon to support its interests (Keohane 1984). Because a more powerful state is more likely to achieve an end than a less powerful one, it is easy to attribute the lack of power as a lack of sovereignty. The characterization of states, such as Honduras, as having diminished capacity to execute their economic policy is based on the mistaken assumption that any country has been able to execute an independent economic policy. Countries have always been forced to choose between three economic goals: fixed exchange rates, autonomy in macroeconomic policy and capital mobility (Cohen 2000; Gilpin 2001, 370). These trade-offs vary among different actors but the form of the trade-offs persist.

Graph 3: Taxation as a Percent of Gross Domestic Product



Countries with the weakest institutions including the apparatus that constitute the state tend to be the least integrated in the international economic order. The World Bank indicates countries who lack the capacity to collect taxes, for instance, also lack effective market institutions (World Bank 2001). This fact has two implications for the debate surrounding globalization and the state. The collection of taxes is one of the most basic tasks a state must perform as the extraction of resources to mobilize or put towards the national interest. Developing countries which lack the ability to effectively collect taxes are also not touched by the forces of globalization. These countries are lacking adequate or effective market institutions which are necessary conduits of globalization into national economies. Graph 3 indicates that high income countries have a greater capacity to extract taxes from their populations.²² Additionally, institutional effectiveness

²² Graph 3's source is The World Bank, *WDI 2002 CD-ROM*.

indicates that globalization is not responsible for the lack of power or authority of the state in collecting taxes. Graph 3 also indicates this by demonstrating the amount of taxation for higher income countries has increased demonstrating their capacity to extract taxes has improved. This demonstrates there is not link between globalization and the changing nature of state power and authority.

Sovereignty and Intervention

The final question examined in this essay is about the effects of changing international norms which are used to justify intervention upon the bundle of norms that constitute sovereignty without an effect upon the institution as a whole. Changes in international politics have justified the international community intervening in what were previously regarded as domestic affairs. Debates were conducted over genocide occurring in Rwanda and currently over events in Sudan which just scratch the surface. Military intervention by NATO in Bosnia is another good example of behavior that has been sanctioned internationally. This could herald a new view of sovereignty adopted into the norms of international society. Despite this possibility, in reality such interventions have more to do with the politics between nations rather than an unprecedented change in the nature of sovereignty. Thus, they fall into the realm of international politics rather than the changing nature of state sovereignty *vis a vis* non-state actors.

Violations of sovereignty have occurred since the system was formed after the Peace of Westphalia prompted the principle of non-interference in the domestic affairs of state. However, these violations of sovereignty do not prove that the state system, founded on sovereignty, is in dispute as some scholars claim (see Krasner 1993). There

are at least two distinct reasons why such violations do not implicate the system of sovereignty as it currently exists.²³ The first is because while the violations have occurred the norms of sovereignty have continued to be reproduced after the violations have occurred.²⁴ Interventions do not imperil the sovereign state system. Additionally, the violations of state sovereignty documented by most scholars have occurred between states reinforcing one state's claim to sovereignty. It is within the more powerful state's interest to reinforce the claims to sovereignty after the violation has occurred to prevent and de-legitimize competing claims to authority within the sphere the more powerful state has specified. Intervention is a term used to describe the action of a state rather than sub-state groups who lack legitimacy as actors on the world stage. What occurs is between states rather than the consideration of non-state actors or other actors who utilize a claim to authority within the state. Intervention does not demonstrate a form of competition to the current legitimizing principle which forms the basis for sovereignty.

Since the end of World War II, notions of international law and violations against humanity have been regarded as crimes that transcend domestic boundaries. One reason this fact is becoming more apparent after the end of the 20th century is due to globalization. The progression of information technology has promoted the dissemination of information in a form that changes power relations between states and their citizens. However, despite the changes in technology, the principles that have acted as the foundation of interactions forming international law have, by in large, remained the

²³ This refers to the legitimizing principle that Phillipott identifies. This legitimizing principle was a revolution in sovereignty since the Peace of Westphalia. This change discussed above moved legitimizing claims to sovereignty to nationality. The nature of this legitimizing principle has not change due to the end of the Cold War or any other phenomenon, see (Philpott 2001).

²⁴ Kratochwil and Ruggie point out norms are counterfactually valid and continue to be reproduced after violations occur. Laws against murder are good examples of this type of phenomena. Despite the number of murders that occur each year, the norm against murder still holds. The same is true for state sovereignty. (Kratochwil and Ruggie 1986, 767).

same. Genocide in Germany, during the Holocaust warranted intervention from outside powers even if these powers were delayed in acting. Genocide in Rwanda justified intervention during the 1990s. The difference between these two examples is very small other than geography. What has changed since 1945 is the dissemination of information. In today's world, information spreads very quickly and thus violations of basic human dignity are more difficult to keep secret from the international community.

Conclusion

Listening to some pundits it appears challenges to state sovereignty are numerous and inevitable. Sub-state actors and supra-state actors seem to be stealing the thunder of the Nation-State. Despite this, the system of states persists and international politics continues with states being the dominant actors. The foundational principle of international politics, sovereignty, still defines who is a legitimate actor in international politics. The principle of who can claim legitimate authority without contest by others still resides with state institutions. Sub-state actors and their involvement in TANs cannot replace states in their capacity to provide for the interests and needs of people. Instead, they seek to influence state policy through communication technology that has become increasingly available. IGOs, as they are made up of states, are more likely to reflect the collective interests of states rather than challenge the sovereignty of their membership. New norms may emerge to change the fundamental principles of international order. Until alterative players successfully mount a claim to sovereignty, states will be the prime actor in world politics.

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