

# THEORIZING INTERNATIONAL ORGANIZATIONS

## Choices and Methods in the Study of International Organizations<sup>1</sup>

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*International organizations are diverse and complex, with overlapping and sometimes conflicting social, legal, and political dimensions. Their complexity allows for an equally diverse field of study. This paper presents a guide to international organizations that focuses on two sets of debates: What kinds of things are international organizations, and what are the appropriate methods to study them? On the first, I consider three options: IOs can be actors in their own right, tools in the hands of other actors, or forums where states come to meet. The second question is about methodology, and the paper examines contractualism, regime analysis, and constructivism. Having outlined these two questions, the paper makes three contributions: First, it clarifies the strengths and limits of each; second, it shows the ontological and methodological questions are two separate issues, not in competition with each other; and finally, it makes a case for multi-method approaches to IOs.*

International organizations are diverse and complicated entities, with overlapping and conflicting social, legal, and political dimensions. They vary widely in substantive authority, internal structure, and political salience.<sup>2</sup> Their complexity allows for an equally complex field of study in which contrasting perspectives offer distinct emphases and different tools of analysis and, therefore, come to different interpretations of the power and effects of international organizations. This paper presents a guide to the academic study of international organizations, centered on two sets of debates: What kinds of entities are international organizations, and what are the appropriate methods to study them?

My interest is in the global interstate international organizations, such as the WTO, the IMF, and the UN. Despite their differences, these organizations share three basic features, and these features lead to a shared basic paradox. All these organizations: 1) are founded by states with an explicit interstate treaty, 2) have states as their members, and 3) have independent corporate personality so they exist as autonomous legal actors distinct from their members (Klabbers 2002). These features mean the organizations are stuck in an eternal paradox as their powers and their existence is a derivative of those same actors (i.e., states) they are supposed to regulate, govern, or influence. The existence of international organizations raises deep con-

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2. See *Yearbook of International Organizations* 2011.

ceptual questions about the nature of international politics and the capacity for international rules to bind sovereign states or to coexist with them. The methodological and ontological choices outlined in this paper represent attempts to deal with these difficulties in order to study the nature and effects of these organizations.

This conceptual complexity leads to two sets of simplifying choices that face IO scholars. The first addresses the question of what international organizations are. This is a question about the ontology of IOs and it leads to a three-sided debate: IOs can be actors in their own right, or tools in the hands of other actors (presumably states), or places where states come to hold meetings with other states. These three roles or functions (actor, resource, forum) are not mutually exclusive, but they can be in competition with each other for dominance in the interpretive lenses of scholars and in the political strategies of states. For instance, at the inception of the International Criminal Court the U.S. wanted it to be more of a resource to be used by the UN Security Council and others and less of an actor with independent investigative and prosecutorial power, while the majority of states insisted it be an actor with the capacity to launch cases on its own initiative.

Second, the article provides an introduction to debates over the appropriate methodology for studying international organizations. On this question, I show how the diversity and complexity of IOs leads to a range of distinct conceptual approaches to their study, and how these approaches in turn produce competing interpretations of the organizations' power, behavior, and impact. The paper introduces the jargon and debates of academic studies of international organizations and deals with three approaches in depth: contractualism, regime analysis, and constructivism. In various manifestations, these represent the main currents of contemporary scholarship on international organizations, and they relate naturally to the three ontological positions: contractualism tends toward a forum view of organizations, regime analysis to an actorly view, and constructivism to a resource view. These are natural affinities, not conceptual necessities, and I suggest in conclusion these affinities should sometimes be resisted.

I have three goals in presenting this material. First, it is important to be clear what each entails and how they differ from and relate to one another. Only by being explicit about what each is or is not can we have a discussion about their relative merits and relevance. Second, recognizing these differences makes it possible to see how each provides a distinct lens on, or asks distinct questions of, international organizations. Some aspects of the political impact of these organizations are visible only under certain lenses, and each approach is suited to different kinds of problems and questions. Finally, and as a consequence, I argue for complementarity rather than competition among these approaches. Their interpretations of the particular cases may be competitive, but the approaches themselves are not. We risk overlooking important aspects of the legal and political life of international organizations if we insist on adopting just one of these perspectives and neglecting the others.

### **Three Views on Ontology: Actor, Forum, Resource**

Formal interstate international organizations exhibit a range of characteristics and can be understood in a range of ways. In different situations, an organization exhibits the qualities of an actor, a forum, a resource, or some combination of these at once. That is, each is a corporate

entity capable of taking action in its own right; each is also a location where other actors (mostly states but potentially also other kinds of actors) come to discuss, debate, and decide; and each is a kind of resource, or a set of resources, states and others can use to advance their own political agendas. Much of the political and academic disagreement about global governance and international organization is a product of different views on which of these approaches are most suitable to each condition. This section examines each of these three in turn before turning to how they can be compared and combined.

### *IOs as Actors*

International organizations are sometimes actors in world politics. They are constituted by international law as independent entities, separate from the states that make them up as their founders and their members. The practical expression of this independence varies greatly across organizations, but in a formal sense, they are corporate persons much like firms are persons in domestic commercial law. This was established concretely in the ICJ opinion on *Reparations for Injuries*,<sup>3</sup> but that case merely affirmed what had existed in custom and in practice for a long time prior: Interstate organizations are legally independent from their founders. It means they have legal standing, with certain rights and obligations, and can sue and be sued. Some of this independence is written into the treaties that establish them, and some of it arises by implication. Contemporary treaties on international organization usually include a clause similar to Article 4(1) of the International Criminal Court's Statute that declares "the Court shall have international legal personality." This establishes the court as an independent body, separate from both the states making it up and the individuals staffing it. However, even without such a declaration, part of the point of creating an international organization is to have a body that is distinct from any of the states within it, and so agency on the part of the IO is an essential component of its function and purpose, and indeed of its existence.

Being recognized as an actor requires some kind of social recognition plus some kind of capacity for action. For international organizations, this means they must be recognized by the international community as actors and that in that community their decisions must have some impact. International lawyers might see this personality as a product of the legal construction of the organization by its treaty, while political scientists and sociologists are likely to see it as a product of a social process of institutionalization. The dilemma of international organization as a practice in world politics is that these actors are composed of units that are themselves independent actors, so formal international organizations are always collective rather than unitary actors. When they operate as "agents," they are unitary actors in the same way national governments, also composed of many individuals and factions, are recognized as unitary actors in world politics: widely but uneasily. Alexander Wendt has suggested one test of personhood for a composite actor is whether it can do things its constituent parts on their own are unable to do (Wendt 2004). Using that criterion, there is substantial evidence formal international organizations do indeed have the capacity for independent action, though it varies across organizations, and it sometimes does not match precisely the powers described in the founding charters.

3. *Reparations for Injuries Suffered in the Service of the United Nations*, ICJ Advisory Opinion, 1949.

The impact of IOs as actors is evident in the real world whenever an international organization directly changes the landscape of international politics for states. For instance, when the International Criminal Court issued an arrest warrant for the president of Sudan, there was an immediate impact in international relations. States took the ICC's action as an act of consequence for world politics and responded accordingly. Some agreed with the decision and some disagreed; some promised to execute the arrest warrant should the president appear in their countries, and some promised to ignore it. The president's personal situation changed dramatically and immediately as a result of the warrant, as he found his liberty suddenly at risk in ways it was not before. All of these changes are evidence of the capacity of the ICC to behave as an actor in world politics. That its impact is not entirely in the direction desired by the ICC is not a suggestion of the *lack* of power for the organization; it does indicate its power is complicated. Similarly, the UN General Assembly resolution that equated Zionism and racism (GA 3379) had an impact in world politics that affirms the GA's status as an actor: It generated controversy, defense, and renunciation. These reactions were a result of the fact that states seem to believe statements of the assembly are influential moves by a relevant international actor, whether they agree with them or not.

### *IOs as Fora*

International organizations are also places in space and time, in the sense of being physical buildings, conferences, and schedules of meetings. Part of their utility is that they act as meeting places where states discuss interests and problems of mutual concern. The players in these discussions are the member states themselves, and the IO may have no role other than as a focal point or a physical location with a support staff. This is an important contribution to international law and politics but it is very different than the role of actor described above.

In their role as fora, international organizations represent an extension of the nineteenth century European practice of holding *ad hoc* themed conferences among governments, such as those that produced the first Geneva Conventions. This practice became largely institutionalized in the UN after 1945, with major UN-sponsored conferences on environment and development (Rio 1993), human rights (Vienna 1994), and the status of women (Mexico City 1975, Beijing 1995, among others). The value of the UN in these cases is that it can provide experienced logistical support for such large meetings, even though it itself may not be present as a formal participant. They represent the "forum" function of IOs in its clearest form.

The "forum" function is arguably the most basic function of international organizations, and it most directly reflects the interstate contract at the heart of formal intergovernmental organizations. Some organizations barely rise above the level of forum toward the more complex functions as actors and resources. The International Whaling Commission, for instance, sits at something of an impasse, because its members cleave into two blocs on the issue of commercial whaling with apparently little chance at compromise between them. Everything the organization might do, and every way the organization might be used, is hung up over a conflict between the states that want the freedom to kill whales and the rest who want it forbidden for all members. As a result, there is little room for the organization to operate as an actor in its own right. It may still be useful as a symbolic resource in the domestic politics of its member states.

Most international organizations include a plenary body in which all members are represented, and whose purpose is general deliberation about the work or themes of the organization. One interesting exception is the International Court of Justice, with no plenary body of its own and a mandate (judicial decisions) that would seem to work against an open deliberative body. The ICC has its assembly of states parties, the WTO has its General Council, and the ILO has the International Labor Conference. The procedures for discussion in these bodies are relatively inclusive and open so all members have their opportunity to participate. As a consequence, they tend to have either few executive powers or high standards of consensus for decisions or both. The UN General Assembly fits the first category—it can make recommendations but has few powers to take legally binding decisions. The WTO fits the second—its Dispute Settlement Board can take important decisions such as overturning dispute settlement panel decisions but only when all members agree (or at least when none is willing to formally oppose it).

The deliberative functions of these assemblies can have a powerful legitimating effect on the organization and its decisions (Johnstone 2011). They are also useful for facilitating side negotiations among members. For instance, the original motivation behind the UN General Assembly was to have a place where states that were not Great Powers could express their views (Bosco 2009), but its annual meetings in New York have come to include both the formal speeches by governments and the large and unknowable number of informal meetings on the sides that are made possible by virtue of so many diplomats and leaders being in one city at the same time. The transactions costs for diplomacy are thereby reduced, and a benefit is achieved even if the formal speeches do not often advance any particular substantive diplomatic negotiation.

### *IOs as Resources*

Finally, international organizations are political resources states use as they pursue their goals, both domestic and international. States use the statements, decisions, and other outputs of international organizations as materials to support their own positions, and many international disputes include competing interpretations of these materials. States fight over what international organizations should say and what they should do, and then fight over what these acts and statements mean for world politics. For instance, does Security Council Resolution 242 really require that Israel withdraw immediately from the Palestinian territory it seized in the 1967 War as the plain text would indicate, or only that it should negotiate a withdrawal at some point in the future? Competing interpretations allow the parties to maintain the council supports their policies, and the other side is violating its obligations. They use the resolution as a political tool to further their goals. Much of what comes out of international organizations is useful to states in this way, and one might say anything that is not useful in this way is not likely to have any impact at all.

States spend a good deal of energy pursuing, deploying, and resisting these resources in and around international organizations, a practice that both illustrates and reinforces the power of the organizations. The usefulness of these resources is evidence there is an interested audience for the outputs of international organizations, and it helps to establish the point that they

are not just cheap talk. In addition, where the organization can control who uses its symbols and outputs, the organization can extract concessions from states in exchange for the right to use them. For instance, the Security Council controls “UN peacekeeping” as if it were a trademarked brand, and when it has allowed countries’ military operations to be called peacekeeping missions it has demanded they adhere to standards set by the council (Hurd 2007). International organizations may make themselves stronger when they can act as gatekeepers to their valuable symbols.

More generally, international organizations have little control over how their names, decisions, and outputs are used as resources by states, and they can travel effortlessly between legal and non-legal applications. For instance, governments sometimes blame the International Monetary Fund for forcing them to make unpopular policy changes, even though the fund does not believe it has the authority to force borrowers to do anything. In making this claim, governments are using the symbol of the IMF for domestic political purposes, in ways that may well irritate the IMF. The value of the symbol for these purposes is only loosely related to the actual powers or demands of the fund, in the sense the government may find political advantage in using the fund as a scapegoat even if the government would have made the same changes absent the fund. Similarly, states often seek to have the International Court of Justice hear their disputes even if they doubt the other party will respect the outcome. The noncompliance of the other state may well be useful in itself. In these cases, the existence of the international organization gives states some tools and options they would not have otherwise, and their effects must be counted as we assess the impact of international organizations in world politics.

Viewing international organizations as resources rather than as solutions to problems helps emphasize some limits on their power and usefulness. International organizations may be influential when circumstances are favorable, but they may also be thoroughly marginalized when powerful actors seek to keep them out, or when no one sees an advantage in bringing them into action. For instance, the UN Secretary General had prepared in the early 1980s a diplomatic solution to the contested governance of Cambodia, but he and the entire UN was largely kept out of the process by a few states in the Association of Southeast Asian Nations (ASEAN) group who refused to negotiate with the Vietnamese government controlling Cambodia (Pérez de Cuéllar 1997, Annabi 1995). Only after the geopolitics of ASEAN changed in the late 1980s did his plan come to be implemented as the Paris Peace Agreement of 1991. The apparent failure of the UN to deal effectively with the Cambodia problem was actually a result of powerful states who insisted the UN not be used as a tool in this case. The tool view is an antidote to the common but misleading assumption that there is always in principle an international-organization answer to every diplomatic problem or humanitarian crisis. From Darfur to the Haiti earthquake to the Rwandan genocide, the potential contribution of international organizations to solving international problems is in part defined and delimited by the utility states see in invoking them to those ends.

The three aspects of actor, forum, and tool coexist in tension in international organizations. Each on its own provides an incomplete narrative about an organization. The three must be considered together even though they cannot be entirely combined. To see IOs from only one of these perspectives leads to an unnecessarily partial view of their nature and power and

makes it too easy to criticize or dismiss them. To see them exclusively for their forum properties leads to the mistake made by John Bolton, who maintained the UN “does not exist” (Perlez 2001). What does exist, he implied, is a collection of independent states who sometimes choose to meet in the rooms of the UN building, and perhaps to add a UN label to their collective endeavors (i.e., a forum exclusively). This is a radically reductionist view of international politics and law; it claims that everything done through or by the UN may be reduced analytically to the behavior of individual states without losing any meaning.<sup>4</sup> It denies the possibility of corporate personhood for international organizations and the possibility they might have positions or take actions independent of their members. This is a hard position to sustain since it requires we deny there is any practical difference between states acting alone and states acting through the UN. The real world of international relations is full of examples where states react quite differently to what states do as opposed to what IOs do. Consider, for instance, the American effort to gain Security Council approval for its invasion of Iraq in 2003, while John Bolton was in the U.S. Department of State. The premise of that effort was the council could provide collective legitimation for the invasion and this would change how other states reacted to it. The U.S. strategy of seeking Security Council support presumed the audience of states would see an invasion as more legitimate than they would without council approval or than if the U.S. gained the state-by-state support of governments through bilateral efforts. If there is a difference in how the action is perceived depending on whether it is supported by a collection of individual states and supported by those states through the council, then the reductionist view must be wrong. That difference represents the independent contribution of the Security Council to world politics, beyond its role as a forum or meeting place.

It is equally hard to sustain an entirely actor-centric view of most international organizations. The independence of the strongest of international organizations is always conditional on an alignment of social forces outside of its control. For instance, the Security Council has the authority to intervene in world politics in any way it sees fit in response to anything it identifies as a threat to international peace and security (Arts. 39, 41, 42); and it operates entirely on its own without oversight by any other institution. And yet, its ability to take action on international security depends on the voluntary contributions of military resources by individual member states. As a result, its actor-like qualities in the international system are legally enshrined by the charter but in practice are drastically undercut by member states. Both the independence of IOs and their limits are central to some versions of the delegation approach to international organizations, which suggest IOs may be understood based on the act of delegation by which states endow them with authority (Hawkins *et al.* 2006, Guzman and Landslide 2006). Once empowered by this delegated authority, the organization may have considerable autonomy to deploy its powers as it wishes, and it may be a challenge for member states to control it. To overstate the independence of international organizations is as much as a mistake as to understate it, and anywhere along this spectrum all claims about the autonomy of international organizations must be grounded in an empirical study of the particular organization in question. There are no general answers to questions about the distribution of power and authority between states and international organizations.

4. On reductionism, see Wendt 1994.

These three images of international organizations coexist in varying proportions and manifestations in each international organization. The UN General Assembly is, for example, much more of a forum than either the ICJ or the ICC, and many of the more technical organizations such as the Universal Postal Union are much less useful as resources than are those with a higher political salience such as the UN Security Council. Despite these variations, all three aspects are embedded in all IOs, as they are in all complex organizations in society.

The challenge for the scholar of international organizations is to figure out how to combine them and where to put the emphasis to best suit the research problem at hand. When Michael Barnett sought to understand how the UN came to abandon Rwanda at the time of the genocide in 1994, he looked at the positions the strongest states on the Security Council brought to the debate (a forum view of the UN), as well as at the position of the Secretary-General and his staff (recognizing the UN was also an actor in the process), and at how the collective decisions of the council would be perceived and manipulated by other states and by the genocidaires themselves (i.e., how the UN would be used as a tool by other players) (Barnett 2003). This combination resulted in a nuanced history of the decisions of the UN on the matter that resists oversimplification.

### **Three Views on Methodology: Contracts, Regimes, Constructivism**

This section examines three methodologies for studying international organizations: contractualism, regime analysis, and constructivism. These represent different starting points for asking questions about international organizations and they are suited to different kinds of puzzles.

Contractualism begins with the choices states make to bind themselves to and comply with international organizations. It highlights state autonomy, decision-making, and interests, and it is agent-centric. Regime theory seeks to understand the web of international rules and it looks at the impact those rules have on states. It emphasizes the network of international rules, norms, and regimes that bind, empower, or otherwise impinge on the agency of states, and it has a structural rather than agentic flavor. Constructivism, as I use it here, focuses on the interaction between states and international organizations, and it is motivated by an effort to transcend the distinction between agents and structures that characterizes the first two approaches. It looks at how states shape and are shaped by the rules around them, through the processes of interaction between the two.

These approaches can take the same set of circumstances or same cases and come to very different conclusions about their politics and their meaning. For instance, when the U.S. invaded Iraq in 2003, it used military force to settle a dispute without the authorization of the UN Security Council. This is a violation of the commitments made by the U.S. under UN Charter, which include the promise to “settle their international disputes by peaceful means” (Art. 2(3)) and to “refrain in their international relations from the threat or use of force” (Art. 2(4)). The three methods highlight different aspects: A contractualist lens could see it as evidence that some states remain powerful enough to ignore the rules to which they have consented; alternately, the extra costs the U.S. carried as a result show strong states find themselves surrounded by international rules that shape their incentive environment (regime theory); or perhaps it is one more instance of the long-running interaction between states and rules as the former

interpret, argue over, and manipulate the latter, and the latter condition, shape, and constitute the former. The relationship one sees between states and international organizations (and more generically between agents and structures in world politics) is different in these three views.

### **Contractualism**

It is conventional to begin the study of international organization by noting they exist only by virtue of powers and status given to them by their member states. States negotiate with each other over new international organizations and then consent explicitly to their powers and rules when they join them. As mentioned above, this is often studied through a framework that posits delegation from states to IOs as the fundamental process by which IOs are constituted, have power, and persist. This makes sense up to a point, since it is self-evident international organizations of the type discussed here exist only subsequent to the interstate system and only by virtue of decisions made by states. It has its limits as well, as we shall see. The contractual view of international organizations leads to a style of research in which the emphasis is on the terms, conditions, and limitations of the contracts made between states as they negotiate and sign an IO treaty.

The sparest version of contractualism treats international organizations as nothing more than contracts made between states. In this view, the founding treaty is important because it codifies promises made between states to which they are expected to adhere, but the key commitments are among the signatory states such that the organization itself could be epiphenomenal. The GATT agreement of the WTO shows signs of this in the sense it represents the promise by the contracting parties to manage their trade policies within the limits of most-favored nation, national treatment, and bound tariffs. The dispute-settlement architecture exists as recourse for contracting parties who believe others have reneged on their promises, but the GATT's long history shows how these promises have an existence separate from the formal organization. The UN Charter can be analyzed in the same way; the charter sets up its members to commit to respect the borders of other members and to resolve their interstate disputes peacefully. This attitude regarding international organizations minimizes the organizations themselves and sees them as the byproducts of the interstate promises in the treaty. It is a useful exercise to apply this extreme lens to an international organization, because by doing so, we get a clearer sense of what this view omits and of what aspects of the organization's existence demand other approaches to research.

Contractualism, when applied to international organizations, takes as its starting point the states that make up the organization, and studies their choices, options, and behaviors. States are the active agents, and even though they may agree to certain limits on their freedom as they consent to international rules, they remain legally and conceptually free to renounce those limits and revoke their consent at any time. States choose the terms on which they delegate powers to international organizations and remain in control of the delegation throughout. Jan Klabbers describes this as "a zero-sum game between the organization and its members, where powers exercised by the members on Monday may be transferred to the organization on Tuesday only to flow back to the members on Wednesday" (Klabbers 2002, 336). With this perspective, contractualism represents the marriage of positivism in international law and real-

ism in IR theory; it says the power of international rules comes from state consent and state choices about compliance.

The contractual view typically produces research focused material on the terms of the bargain made between states, and as a result it de-emphasizes two factors that the two approaches discussed below make more central. These are the agency of the international organization itself and the feedback process by which the organization might reshape states, their beliefs about their interests, or their understanding of the problems they confront in international politics. By making states the center of attention, international organizations in the contractualist view take on the status of dependents. It is generally seen as a problem if they acquire capacity to act as independent actors. That is, any actorly qualities of an organization are seen as a consequence of the limits of contract writing, as the parties cannot foresee all future circumstances and cannot fully control how their acts of delegation might be used by others. Following these themes, the contractual approach leads to research on the incompleteness of all contracts might create room for IO autonomy and how states (i.e., principals) monitor and enforce the performance of the organization (i.e., their agent) relative to the terms of the contract (Cooley and Spruyt 2009, Hawkins *et al.* 2006). In more overtly political debates, contractualism is commonly the mindset adopted by political nationalists who see the influence of international law and organizations as an illegitimate threat to national sovereignty.<sup>5</sup>

The contractual view begins from the very reasonable observation that international organizations arise due to treaties among states, analogous to contracts. It begins to reach the limits of its usefulness, however, when it insists on standing still at that point of creation and fails to keep up with the practical and political life of the organizations. In other words, the contractual model must be supplemented with something else in order to recognize the actual, practical, and full effects of international organizations are sometimes only loosely related to their formal, delegated, and contractual powers. To deal with the real world of international organizations, we need conceptual tools that can accommodate more of the complex interaction between states and international law.

### Regime Analysis

The regime-analysis methodology relates back to the movement among political scientists in the 1980s to identify the formal and informal rules of the international system and assess their impact on state behavior (See Krasner 1983, also Young 1994). As applied to the study of international organizations, this approach is characterized by the tendency to begin with the question: What are the rules? And then to consider how (or indeed whether) they affect the decisions of states. This might be allied with a kind of legal formalism (that is, the emphasis on the formal rules and laws that govern states), and yet it need not carry any necessary assumption that knowing the rules will mean states follow the rules, or states will not be strategic manipulators of those rules. The regime approach has been thoroughly debated and critiqued in the past twenty years and yet its core remains: an emphasis on the web of international rules and how they influence state decisions. Because it travels from rules to states rather than the other way around, regime analysis is something like the structuralist counterpart to contractualism's agenticism.

5. These views are evident in the Heritage Foundation's writing on international law, at [www.heritage.org/research/internationallaw/](http://www.heritage.org/research/internationallaw/). Accessed 11 January 2010. Also, Goldsmith and Posner (2006).

The study of international organizations as regimes is often joined with recognition that the actual operating set of rules relevant for any particular question includes formal rules as well as formal international organizations. The international regime on refugees, for instance, includes not only the powers of the International Migration Organization but also of the 1951 Convention on the Status of Refugees and other treaties, the United Nations High Commissioner for Refugees, and the practices of a range of non-state and quasi-state actors including the International Committee of the Red Cross (Betts 2009). On currency flows across borders, the formal rules of the International Monetary Fund sets some policy limits on states, but far more important for the overall shape of these flows are the informal mechanisms negotiated among powerful states in semi-regularized meetings of central banks and other officials, as well as the cumulative, international effect of states' domestic regulatory environments for finance (Helleiner *et al.* 2010). The international legal rules on most issues relate to but transcend formal international organizations, and so to grasp the obligations of states requires taking stock of the broader regime on the theme—including but not limited to the formal treaties and organizations.

The use of force by states shows this in practice. When governments consider using their militaries to pursue some goal, they find themselves situated unavoidably in a rules-governed space where the UN Charter defines the basic legal framework and other treaties and practice modify and extend it. Governments may choose to adhere to those rules, or to break them, or to finesse a path between those two, but the rules exist independent of the states' actions, and they are in that sense unavoidable to them. Following the rules may be unfavorable to the government, and breaking them may carry costs in terms of reputation or other metrics, but the context of the decision is set in part by these rules; they cannot be escaped. This explains, among other things, the energy invested by the U.S. in seeking the approval of the Security Council for its invasion of Iraq in 2003. The charter makes clear the use of force against other states is illegal unless it is necessitated by self-defense (Art. 51) or ordered by the Security Council (Arts. 2(4) and 42). The U.S. administration at the time may well have felt unconstrained by obligations taken on by its predecessors in 1945, but for the purpose of the Iraq invasion it had to deal with these rules as widely shared and unchangeable social facts. It constructed a strategy to seek to legalize the war by having it approved by the council and, when that failed, to argue that existing council resolutions implicitly authorized it. In the longer term, states may be able to change the rules by repeatedly violating or reinterpreting them—and this is an element of the constructivist approach discussed below, but in most cases, the rules are immovable with respect to one state at one point in time, as the U.S. found out on Iraq. The failure of both threads of the U.S. strategy over Iraq led to a general belief the U.S. was acting illegally, and this raised the costs of the invasion and the subsequent occupation. Regime analysis usefully identifies this effect.

A contractual approach to this case might emphasize the legal obligations taken on by the U.S. in signing the charter and consider how (if at all) these obligations affect its political behavior. A regime approach might instead begin from the premise that the existing rules and expectations define the context for U.S. action, and then look to understand how U.S. behavior is designed around these facts. The regime formed the context for U.S. action and contractual consent was relevant in only a distant way. To assess the impact of international organizations

on states it is important not to overlook this form of influence via the international structure, since among other things it explains how U.S. leaders who claimed to be radically indifferent to the powers of the UN found themselves so deeply involved in seeking its legitimation (Thompson 2010).

This illustration shows how regime theory tends toward a structural rather than agentic focus, and the change in perspective produces characteristically different insights in the research. The regime theory narrative recognizes international organizations contribute to shaping the costs and rewards of states' strategies, and so states have good reason to consider the effects of their rules as they make decisions. By identifying international organizations and rules as pre-existing and external forces that impinge on the autonomy of states, this style of research puts the first focus on the structure of the rules that make up the environment for state action.

### **Constructivism**

Distinct from both the contractualists' focus on the agency of states and regime analysis' focus on the structure of rules, constructivist methods in scholarship on international organizations begin with the assumption that the two cannot be separated. Constructivism proposes instead to take as its starting point the processes that link states and international rules in practice. These might include the ways states invoke international rules to justify their policies, the interpretive efforts of states with respect to international rules, and the various ways international rules might become internalized into states, among other things. All of these are recursive, so they continually remake both the rules and the states that use or interact with them.

The philosophical setting for this approach to international organizations comes from social theorists interested in how people operate in social environments that are rules-saturated (Taylor 1999). People interact with rules in everything they do, from the constructs of language, to the etiquette norms of their interpersonal interactions, to their legal status as persons in the eyes of the state. Social action outside of rules is impossible. Rules do not exist only as external and regulative commands. They also help constitute the actors as apparently independent agents in the first place, and they constitute the setting for interaction among those units. The rules of international society define what qualifies as a sovereign state, what powers and obligations such a state will have, and which claimants to this status are qualified to be recognized as states. However, these rules are only evident when states or others make reference to them or invoke them, and so they exist when they are put to use. They do not exist as permanent, abstract forms. The constructivist insight is that the interaction of states and international organizations changes both sides; the rules change as states invoke and interpret them in particular cases, and states are changed as their decisions are shaped and their sovereignty redefined by international rules (Finnemore and Sikkink 1998). Today's international law on the preemptive use of force, for instance, is a compilation of past cases, interpretations, and fights over preemption; it remains binding on states, even though there is no consensus on what the rules forbid or allow, and no agreement on how to apply them to particular crises (Hurd 2007a).

The constructivist approach to international organizations is called for whenever the research question recognizes an interaction effect between states and IOs. As states react to the decisions of international organizations, they are unavoidably contributing to remaking the orga-

nizations' authority and power, often in unintended ways. When, for instance, WTO members argue their cases at the Dispute Settlement Panels, they legitimize that process and may strengthen the WTO (Pelc 2010). One result of the Americans' strategic manipulation of the Security Council ahead of the Iraq invasion may be an even stronger sense in international politics that council approval is indeed required to make a military operation legal, and this may have contributed to President Obama's insistence that the council authorize any military action against Gaddafi in Libya during the spring of 2011. This reinforcing of the council was presumably not the intention of the Americans in 2003, but by showing how important that support was to their cause, they may inadvertently have enhanced the legal and political status of the organization. A counter-example helps to make the point further—states often prefer to boycott cases at the International Court of Justice when they believe that the court has wrongly claimed jurisdiction. They refuse to participate, even though their commitment to the ICJ Statute requires it, and even though their refusal likely increases the chances of an adverse ruling. In doing so, they appear to understand participating validates the institution and its processes. They often find ways in practice to make the court aware of their arguments, sending the court unsolicited materials or leaking them to the media, and the court is accustomed to accommodating such resources.

These different methodologies have their distinct strengths and weaknesses. They are suited to different kinds of questions about the empirical world of international organizations, and so they should be seen as complementary rather than as mutually exclusive competitors. With its focus on the explicit consent of states, the contractual approach is particularly useful for understanding the bargaining and negotiation that produces new international treaties. For instance, to understand why the Rome Statute on the ICC includes Article 16, which allows the Security Council to delay investigations and prosecutions, it is useful to see the negotiations over the statute as a contractual episode, with Article 16 as an attempt at compromise between irreconcilable blocs. Many treaty negotiations have a contractual flavor, and many subsequent disputes over the obligations of members refer back to the question of what they did or did not consent to in the act of becoming members.

The regime-analysis method leads the scholar to ask about the international setting in which states find themselves and how it affects their decisions. It is most useful for answering questions about why states do what they do given the context of international organizations that exist around them. Laws on the use of force, discussed above, provide a good example: states' incentives are shaped by these rules, and smart decision-making must take them into account, regardless of whether the ruler believes them to be legitimate or not. Charli Carpenter examines the patterns of humanitarian rescue in the Bosnian wars and finds it heavily indebted to the pervasive belief that women and children are by definition more vulnerable than men—the existing structure of beliefs about humanitarianism and gender answer the puzzle of why international agents targeted women for rescue when the massacres were mostly aimed at men (Carpenter 2003). Similarly, negotiations over new regulations for whale hunting must be understood in the context of the existing International Whaling Commission rules and that organization's politics, including the network of NGOs around it (Young 2010). The regime approach helps in cases where we seek to understand how states choices are conditioned by their environment, both toward compliance and away from it.

The appeal of the constructivist method lies in its effort to consider at once the strategic choices of actors and the conditioning environment of international organizations. It suits puzzles where one is interested in the interaction or mutual constitution of states and rules. For instance, the construction of a legal justification for humanitarian intervention involves activists taking resources from past practice and using them to reinterpret the legal regime on war, where the result sustains a policy of intervention. The interplay between agents and structures can be seen more clearly by constructivism and is obscured by contractualism or regime analysis. Ian Johnstone's inquiry into the effects of deliberation in international organizations reflects this method (Johnstone 2011). Johnstone sees deliberation as a process that links states and international organizations together, shaping both in the process of negotiation.

There is nothing in these methods that make them mutually exclusive, and their relative value can only be judged in the light of the quality of insight they bring to bear on a question. One can argue a particular question is better addressed with one rather than the other methods, but one cannot argue one method is somehow in itself superior to the others. They are tools, and the attempt to present them as competitors is essentially misguided.

Further, the choice of method does not necessarily entail a resulting choice of ontology. Some pairings of method and ontology may have natural affinities, but the two are not essentially linked—and indeed the affinities are more likely to obscure useful insights than to reveal them. For example, the forum view of organizations shares with contractualism an emphasis on the autonomous choices of sovereign states, while regime analysis and the actorly view of IOs share the contrary view that IOs can be independent of their members. However, because these pairs share the same blind spots, scholarship that joins them in this way may produce over-determined conclusions that simply confirm the assumptions set out at the start. More useful is scholarship that crosses these lines and pays some attention to what other approaches can open up. Ultimately, scholars of international organizations should be conscious of both ontology and method as separate choices in the framing of their work.

## **Conclusion**

The fundamental tension in international law, which is central to the field of international organization as well, is between state sovereignty and the commitment involved in international treaties. States are the masters and the servants of international organizations, and this tension must be reconciled somehow. The academic study of international organizations has developed various strands for thinking about this complexity in different ways. The three methodological approaches in this paper address the tension between states and rules differently. Contractualism emphasizes the delegated powers that bring international organizations into being, and as a result, it focuses its analysis on the acts, consent, and agency of the states themselves. The regime approach takes the opposite view, giving primary status to the rules of international organizations and law and examines their history, development, and consequences for states and others. Constructivism strives to understand each side in this pairing by focusing on the interactions between the two: It addresses the processes by which states and IOs interact, and it suggests that these processes define both the powers and the limits of international organizations in practice.

Thinking empirically, I have suggested a second three-way typology for analyzing international organizations: that of actor, forum, and resource. These are different lenses for studying, or metaphors for imagining, international organizations, based on different interpretations of their functions in world politics. At times, international organizations behave like independent actors in international relations, issuing decisions, taking actions, and being talked about as if they were players in their own right. At other times, they provide a forum in which states (or others) carry out their negotiations and their diplomacy. A forum is a place rather than an actor, and there are times when even the most powerful international organizations slip off their corporate personhood and become just a setting for interstate bargaining. Finally, international organizations are also sometimes resources or tools with which states try to accomplish their goals. This is on display on those occasions where states use the organization as a source of status or legitimacy. States strive to associate themselves with organizations that they think will give them status in the international community, and they work to have their causes legitimated by association with those organizations.

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