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Institutional Divergence in International Society

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in Politics and International Relations, the University of Auckland, 2015.

ABSTRACT

This thesis draws lessons from institutional analysis in domestic society and puts forwards a new perspective for our understanding of international institutional effects. Using the concept of international institutional divergence as a connecting thread, this thesis explicates the origins, forms, mechanisms and consequences of the predominating style of institutional politics in 21st century international society. This new perspective of international institutional divergence is used to shed new light on some old institutional questions, namely states' compliance with international rules and international institutional change. Preliminary study is also made of the under-explored issue on states' withdrawal from international institutions.

In the context of institutional divergence, the working mechanisms of international institutions at the structural level reveal some hitherto unnoticed characteristics. The thesis does not put forward a theory of international institutions; instead it proposes a new viewpoint from which to study how international institutions matter. A basic mechanism for explaining international institutional effects is also put forward under the assumption of institutional divergence. This mechanism is a snapshot of institutional interaction that challenges the existing explanations of institutions' roles that are static and monolithic at the international level. The thesis uses China's institutional choices on sovereignty and intervention to analyse the interaction between international formal and informal institutions, and the international whaling governance is studied as an example of various states' institutional choices and patterns of international institutional change.

Interactions in the cracks of international institutions blur the borders between them. International institutions continually develop tensions through their interactive dynamics. Besides expanding our understanding of the ecology of international institutions, this thesis also identifies social relations as the motivating power for institutional choice at the agent level and institutional change at the structural level. The relational power hidden beneath the social relations among states is the real source of the political processes of international institutional divergence.

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INTRODUCTION

With the rise of a group of emerging powers in world politics today, international society is undergoing a great transformation, and the international institutions sustaining that system are changing accordingly. How can we assess these dramatic transformations from an institutional perspective? For example, are China and the world going separate ways in their understandings of crucial international issues like sovereignty and humanitarian intervention? With the aim of dominating in today's fierce global competition, some scholars argue that states' domestic institutions of political economy and social policies will become convergent under the pressure of globalization in this interdependent world.¹ According to this idea, states all around the world will have to adjust their economic institutions to the direction of liberalization and privatization. States with different developmental levels in their economic and societal systems are heading in the same direction in their developmental model, and all states are positioned along the same evolutionary line. If they have not yet reached this institutional goal already, they will in the future. But are all regions and states in the world really destined to reach the same destination as predicted by modernization theory and other teleological inclinations?

Questions are being asked with regard to specific issues as well as global ones. The rationality of individuals often leads to collective irrationality in societies and accordingly institutions have to be designed to realize the potentials of collective action and welfare improvement.² In international society, cooperation difficulties are no exception. For instance, to maintain commercial order and avoid overharvesting of whales, whaling states established the International Whaling Commission (IWC) in 1946. Institutional changes of the last 60 years and shifting norms have led to states colliding and contesting on this international environmental platform. The controversy can at times become so acute that this international organization's meetings end in stalemate. Why do multiple norms appear and how do they influence the governance of international whaling? What are the origins of this complicated

¹ David A. Lake and Miles Kahler eds., *Governance in a Global Economy: Political Authority in Transition*, Princeton: Princeton University Press, 2003; Robert O. Keohane and Helen V. Milner eds., *Internationalization and Domestic Politics*, New York: Cambridge University Press, 1996.

² Elinor Ostrom, "A Behavioral Approach to the Rational Choice Theory of Collective Action," *American Political Science Review* 1998, 92, 1, pp. 1–22.

situation? And is Japan really a “barbaric” state on account of its international whaling regime?³

These cases in special issue areas and international society indicate that in human society, not only relations between individuals and society have to be handled properly, the relations between various collective entities also have to be maintained carefully. Even though problems that emerge at the collective level can be understood essentially from the angle of individual–society connection, but what solutions should we choose if there is more than one institutional arrangement to regulate the relations between individuals and society?

International politics nowadays is highly institutionalized and legalized. To solve the difficult cooperation problems in international society, multiple and multilevel international institutions have linked with each other and are evolving together in their dynamic interactions. Under this new politics within the ever-changing international institutional environment, how should institutional analysis be updated to reflect these developments? Beth Simmons and Lisa Martin, in an important 1998 article, consider new research frontiers in international institutional theory and point out that the study of convergence or divergence effects of international institutions penetrating into domestic politics is one of the most promising research agendas.⁴ Indeed, international institutions might have divergent or convergent influences in various domestic political systems through many mechanisms.⁵ Researchers studying the domestic effects of international institutions need to treat international institutions as constant. But in reality international institutions are always changing in a process of interaction in the international system. With the rise of new emerging powers in the 21st century, power and ideational structures are undergoing a great transformation. International institutions embedded within this system will inevitably be changed in as a result. If we cannot confirm a set of international institutional arrangements, then we cannot study international institutions’ domestic or regional effects fully with the assumption that international institutions are static. Any understanding of a state’s

³ Charlotte Epstein, *The Power of Words in International Relations: Birth of an Anti-Whaling Discourse*, Cambridge, Mass.: MIT Press, 2008.

⁴ Lisa L. Martin and Beth A. Simmons, “Theories and Empirical Studies of International Institutions,” *International Organization* 1998, 52, 4, pp. 729–757.

⁵ Liliana Botcheva and Lisa L. Martin, “Institutional Effects on State Behavior: Convergence and Divergence,” *International Studies Quarterly* 2001, 45, 1, pp.1-26.

compliance with international institutions and international institutional change must account for the interactive and complicated institutional environment in international society. States, especially the most powerful ones, will not be completely contained by pressures from international institutions and can even to some degree change the direction of institutional evolution. However, no states can fully free themselves from international institution networks because states' exchanges have to be supported by them, and even states themselves are the products of the sovereign institution in the international system.

In the 2013 edition of the *Sage Handbook of International Relations*, Beth Simmons and Lisa Martin point out that the study of international institutional networks is a new and important research agenda.⁶ Networks of international institutions, rather than single institutions in the international system, are critical for explaining international governance and states' institutional choices. The study of the divergent or convergent effects of international institutions in domestic politics (the domestic effects of international institutions), is in need of further exploration. However, this research agenda has some problems because it omits actors' agency to some degree. While it illustrates that some institutions are not obeyed by some states and that international institutions under some conditions have no homogeneous power in every region of the world, it does not make clear that some states can transfer their domestic and regional institutional preferences to the international level. Further, in addition to domestic convergence or divergence, the divergence or convergence of international institutions themselves has to be evaluated systematically. International institutions, like all institutions in human societies, are living in an organic environment. An institution emerges and changes, but it does not cause these processes by itself. Instead, it co-evolves together with other international institutions in an interactive process. The challenge is to acknowledge that international institutions play a significant role in the maintenance of international order and international cooperation, while paying enough attention to states and other non-state actors' agency within institutional frameworks. The introduction of multiple networks of international institutions into institutional analysis might be one possible solution.

⁶ Martin, L, & Simmons, B 2013, 'International organizations and institutions', in W Carlsnaes, T Risse, & BA Simmons (eds), *Handbook of international relations*, 2nd edn, SAGE Publications Ltd, London, pp. 326-52, accessed 19 August 2014, doi: <http://dx.doi.org/10.4135/9781446247587.n13>.

This study explores the divergence of international institutions and its origins and consequences.

International institutional divergence: A new research agenda?

In the 1984 edition of *After Hegemony*, the milestone of the liberal institutionalism paradigm in international relations theory, Robert Keohane argues that states in an anarchical international system with common interests can achieve cooperation with the help of international institutions.⁷ Following the basic assumption of realism that the rational state is the unit of analysis in an anarchical system, Keohane points out that even if the hegemony that built the international institutions is in decline, institutions that gradually gain autonomy can function well to maintain trust among states and help provide social order at the international level through transaction costs and uncertainties reduction. In *After Anarchy* published in 2007, Ian Hurd further demonstrates that international legitimation is real and effective in international society, too.⁸ International institutions and norms as the carriers of legitimacy and authority at the international level are not just tools manipulated by the great powers. Instead, international institutions are serving as collective ideas or common knowledge which can regulate states' behaviours or even change their deeper preferences, to some degree similar to law and social norms functioning in domestic society. As illustrated by the lawyer and psychologist Tom R. Tyler, people choose cooperation and obey the law to a large extent because they believe in the legitimacy and authority embedded within these social structures,⁹ even though material interests also need to be taken into account. As constructivism argues, ideas and emotions are variables that make the material world meaningful. There is always something collective, emergent and transcendental that cannot be reduced to the individual level (or state level in international system).¹⁰ In international society, it is in international institutions and norms where we can discover these sovereign, legitimate and authoritative elements.

⁷ Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy*, Princeton: Princeton University Press, 1984.

⁸ Ian Hurd, *After Anarchy: Legitimacy and Power in the UN Security Council*, Princeton: Princeton University Press, 2007.

⁹ Tom R. Tyler, *Why People Cooperate: The Role of Social Motivations*, Princeton: Princeton University Press, 2010.

¹⁰ Mary Douglas, *How Institutions think*, Syracuse, N.Y.: Syracuse University Press, 1986.

In domestic society, the seemingly powerful state through the mechanism of a hierarchical order tries to sow its authority and will in every corner of society to sustain its governance.¹¹ “Bringing the state back in” as a research agenda obviously points out what is missing in many parts of the world today.¹² Without an effective central government and necessary state apparatuses, social order and development cannot be guaranteed, which in many cases results in a state of domestic anarchy.¹³ State and society are dynamic entities embedded within each other that are always interacting in a process.¹⁴ Various levels of resistance by society against the state are constantly emerging everywhere. Formal state institutions and informal social norms in tight or loose connections bring about new institutional forms and contents through their moulding and colliding dynamics.¹⁵ Only through these interactive processes can institutions grow, adapt and change organically. In these institutional complexes, the attitudes of different citizens and social groups towards institutional arrangements cannot be static and homogeneous in diverse spaces and times.

Domestic and international societies are essentially the same in their social organization. Anarchy, hierarchy and network are all ideal types of human organizations, while the middle state between these imaginary ideal forms are the actual practice of human life in both domestic and international systems. If existing states are similar at both the domestic and international levels, and borderlines between domestic and international politics are becoming more open, porous and blurred with the accelerating exchanges among states, can we gain new insights at the international level by drawing lessons from the interactive models and institutional arrangements in domestic society? If we admit that domestic and international politics are following similar institutional logic, how should we understand

¹¹ Some states even have the impulsion to transmit their ideal models in governance beyond their territorial borders, instead of being satisfied of governing within their domestic societies through various institutions and ruling strategies.

¹² Paul Evans, Dietrich Rueschemeyer and Theda Skocpol, *Bringing the State Back In*, New York: Cambridge University Press, 1985.

¹³ Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century*, Ithaca, N.Y.: Cornell University Press, 2004; Wang Shaoguang (王绍光), *安邦之道: 国家转型的目标与途径(Dao for State Governance)*, Beijing: SDX Joint Publishing Company, 2007.

¹⁴ Joel S. Migdal, *State in Society: Studying How States and Societies Transform and Constitute One Another*, New York: Cambridge University Press, 2001; Lauren M. MacLean, *Informal Institutions and Citizenship in Rural Africa: Risk and Reciprocity in Ghana and Cote d'Ivoire*, New York: Cambridge University Press, 2010.

¹⁵ Formal institutions and informal social norms themselves also can be divided into various sub-institutions that are undergoing endless interactions.

international institutional politics after recognizing that multiple institutions are interacting ceaselessly in domestic society? On the other hand, even if we deny the comparability of domestic and international institutional environments, the dichotomous division of hierarchy and anarchy should push us to investigate the frequent institutional contestations at the international level because it is presumed that there is no authoritative judge to distribute various institutional preferences in the decentralized system.

Keohane argues that institutions can help bring order in an international system, and research based on both liberal institutionalism and constructivism has enriched our understanding of international institutions' sophisticated and concrete functions in international cooperation, governance and order.¹⁶ With this research on international institutions as a backdrop, this thesis will investigate the institutional order in international society, and study states' institutional choices and institutional effects and change from a new perspective, namely that of international institutional divergence. Institutional divergence and interaction greatly influence international institutions' roles in international society. This study will explore international institutional divergence's origins, operating mechanisms, and consequences for the international system.

No institution can completely govern and regulate in all places and periods. Instead institutions will diverge in various forms along both the space and time dimensions. Subsequently, institutions exert different effects at the centre and periphery and during flourishing and declining phases their functions also differ. An institution existing within a complex institutional environment as will be assumed in this thesis reflects the reality of human society. Therefore, the loosening and complementing of the conventional assumption that single institution or institutional arrangements integrated into a relatively harmonious system in existing international institutional analysis for their exploration of institutional effects is the main theme of this thesis.

¹⁶ Helen V. Milner and Andrew Moravcsik eds., *Power, Interdependence, and Nonstate Actors in World Politics*, Princeton: Princeton University Press, 2009; John G. Ruggie, *Constructing the World Polity: Essays on International Institutionalization*, London: Routledge, 1998.

Take international trade as an example. Obviously the World Trade Organization (WTO) with its sophisticated rules is the main governing mechanism for international trade, but even a strong and highly legalized international organization like the WTO cannot solely govern the complicated and multifaceted global trade exchanges. Apart from the rules stipulated by the WTO, numerous multilateral and bilateral international trade agreements exist in overlapping, nesting, parallel or conflictual relations in the jigsaw of international trade governance. The Trans-Pacific Partnership (TPP, under negotiation) and the Transatlantic Trade and Investment Partnership (TTIP) are two conspicuous international trade institutions that might challenge the WTO's governance, for instance. From this example of an international trade institutional complex, we can see that international institutions are diverging along the spatial dimension, with various institutions see their zones of governing overlapping with those of others. And along the temporal dimension, we can also discover institutional divergence. Since the end of World War II, the WTO, which originated from the General Agreement on Tariffs and Trade (GATT), has undergone many transformations.

We can only understand and explain how international institutions influence international cooperation and order by studying the cracks between institutional spaces and in the evolution of institutional changes. With the gradual legalization of world politics, international relations scholars and international lawyers have begun to study new forms of institutional politics such as institutional interaction, regime complex, and institutional contestation.¹⁷ This is a manifestation and reflection of the network status of international institutions in the 21st century. However, this thesis does not regard institutional divergence and interaction as a new phenomenon that has only recently emerged in world politics. From the first day people crossed over territorial borders and conducted international communications and exchanges, a multiple and multilevel institutional environment

¹⁷ Fariborz Zelli and Harro van Asselt, "The Institutional Fragmentation of Global Environmental Governance: Causes, Consequences, and Responses," *Global Environmental Politics* 2013, 13, 3, pp. 1-13; Robert O. Keohane and David G. Victor, "The Regime Complex for Climate Change," *Perspectives on Politics* 2011, 9, 1, pp. 7-23; Elinor Ostrom, "Polycentric Systems for Coping with Collective Action and Global Environmental Change," *Global Environmental Change* 2010, 20,4, pp. 550-557; Karen J. Alter and Sophie Meunier, "The Politics of International Regime Complexity," *Perspectives on Politics* 2009, 7, 1, pp. 13-24; Thomas Gehring and Sebastian Oberthür, "The Causal Mechanisms of Interaction between International Institutions," *European Journal of International Relations* 2009, 15, 1, pp. 125-156; Sebastian Oberthür and Thomas Gehring, eds., *Institutional Interaction in Global Environmental Governance: Synergy and Conflict among International and EU Policies*, Cambridge, MA: MIT Press, 2006; Kal Raustiala and David G. Victor, "The Regime Complex for Plant Genetic Resources," *International Organization* 2004, 58, 2, pp. 277-309.

transcending domestic society began to appear and solidify, step by step. Fundamentally, international institutional divergence is inevitable because all institutions are incomplete and insufficient and are always in need of something beyond themselves to sustain their existence.¹⁸ Even the presumed domestic hierarchy cannot assure that formal rules formulated by the state can apply and be effective in all of its geographic domains or during all periods of their evolution. For international institutions functioning in what is thought of as an anarchic system it is even harder to function in an omnipotent manner. The fragmentation and rheology of international institutions is called “international institutional divergence” in this thesis. This term emphasizes that all international institutions exist in institutional clusters instead of coming into force as a single modality inorganically. In addition, institutions are surviving through a process of adjusting and changing. Only in a dialectical unity of stability and change, and centre and border, can we truly understand international institutions’ roles in international society on the one hand and states’ institutional choices on the other.

Organization of the thesis

This thesis adopts international institutional divergence as a foundation for understanding the institutional politics in the international system. For instance, how should we understand the institution of sovereignty that is so fundamental to the workings of international society? This thesis argues that we have to understand the real effects of the institution of sovereignty within its interaction with other related institutions and its constant evolution. The institution of sovereignty is challenged in many occasions, but these violations cannot be fully explained from the perspective of power politics. Variables like power or trust are driving forces that make international institutions run, but only through collective ideas like institutional arrangements can these concepts be endowed with meanings and directions. After illustrating the mechanism of one of the most important manifestation of international institutional divergence: the interaction of international formal and informal institutions, this thesis explicates institutional divergence’s origins and forms in detail before its exploration of the general consequences theoretically and empirically of this new perspective to understand

¹⁸ Despite this fact, institutions are fundamental for the existence of human society because they are the aggregation of collective ideas which are transcendental and sacred of various degrees.

international institutions' working mechanisms. State compliance with international institutions from the agent side and international institutional change at the structural level, as two of the core questions in international institutional analysis, are selected to showcase the necessity and benefit of introducing the idea of international institutional divergence. The under-noticed question of state withdrawal from international institutions that is crucial for the understanding of institutional choices and governance effects is also explored within the institutional context of divergence.

Institutional divergence and social relations respectively are the structural properties and agent dynamics for the functioning of international institutions and their transformations. These are also two clues for the organizing of the thesis, though the emphasis and main conceptual effects are on the structural side focusing how institutional divergence works. The institutional divergence perspective can help explain various questions related to the interaction of international institutions and states. As a qualitative research, several illustrative examples are used to demonstrate international institutional divergence and related questions, especially the widely used China and international intervention and the IWC cases.

It is now widely recognized that international institutions perpetually exist in fragmented and unstable situations. In an international environment with multiple institutions, the institutional choices of states have accordingly become flexible and diverse. Under these circumstances, is China advocating related non-intervention institution the last remaining fortress of sovereignty? Is China's institutional choice regarding the institution of sovereignty really monolithic, with no flexibilities and adaptations allowed at all? Through observing China's discourses and actions concerning sovereignty and international intervention, scholars argue that China's adherence to sovereignty is not absolute, and that it is willing to change the limits of its sovereignty if some conditions are satisfied.¹⁹ As a matter of fact, the institution of "one country, two systems" is a significant innovation in relation to traditional understandings of state sovereignty and its political and cultural implications are in need of thorough analysis. China is living in an institutional environment of which sovereignty is

¹⁹ Jonathan E. Davis, "From Ideology to Pragmatism: China's Position on Humanitarian Intervention in the Post-Cold War Era," *Vanderbilt Journal of Transnational Law* 2011, 44, 2, pp. 217-283.

only a part, though it is necessarily one of the important normative structures that China treasures the most. But in the 21st century China has to confront an institutional space where other formal and informal institutions old and new co-exist, and where hard institutional decisions have to be made.

Chapter 1 of this thesis takes China's relations with sovereignty and intervention institutions as a case to explore the question of interaction between formal and informal institutions in the international system. Interaction between formal and informal institutions is one important form of international institutional divergence in international society that is worthy of more investigation. The chapter successively presents the origins, mechanism, and consequences of this form of international institutional divergence. The state as the main actor in the international system is not stuck between being "full of choices" and having "no choice at all."²⁰ Sociological and rational choice institutional analyses that are respectively based on over-socialization and under-socialization both deny states' agency.²¹ Admitting that international institutions are authoritative in international society but not getting excessively obsessed with the "Westphalia complex",²² this chapter introduces informal institutions into international institutional analysis and argues that we should explain institutional effects and states' institutional preferences by demonstrating the interaction between formal and informal institutions in the international system. The inclusion of informal international institutions can in some sense relieve the tension between international structures and agents and help to reveal international institutions' real effects.

Division between international formal and informal institutions is only one manifestation of institutional divergence. The existence of this kind of divergence shows that international institutional networks and institutional interaction are actually not new phenomena that have only emerged in 21st century world politics; they have existed since the day international institutions came into being. Chapter 2 shows how liberal institutionalism and constructivism

²⁰ American economist James Duesenberry said: "economics is all about how people make choices; sociology is all about how they don't have any choices to make." Cited from Jens Beckert, *Beyond the Market: The Social Foundations of Economic Efficiency*, Princeton: Princeton University Press, 2002, p. 1.

²¹ Mark Granovetter, "Economic Action and Social Structure: The Problem of Embeddedness," *American Journal of Sociology* 1985, 91, 3, pp. 481-510.

²² This complex finds sovereignty, loyalty and authority only in Westphalia nation states in world politics and accordingly only pays attention to international affairs happening around the sovereignty state, while overlooking the broader picture where politics are happening beyond the territorial borders of states.

have noted that multiple sets of international institutions are functioning in international society, and that the existing international institutional analysis that presumes single-layer or homogeneous institutions needs to be updated. Systematic study of international institutional interaction and divergence is a research agenda that should be pursued to further comprehend how international institutions matter. This thesis treats international institutions as always changing in an endless process. Its focus on institutional snapshots²³ is founded on a different assumption from that supporting existing institutional analysis in international relations.

Based on studies of international institutional complexes and institutional theories from comparative politics, economic sociology, and the sociology of law,²⁴ Chapter 2 discusses the reasons for, and various forms of, international institutional divergence after briefly demonstrating why institutions matter in the international system. It generalizes from existing studies that relate to multiple and multilevel international institutions and provides a new research agenda for institutional analysis at the international level from the perspective of international institutional divergence.

After introducing the conception of international institutional divergence, its origins, and the mechanism of interactions among international institutions, Chapters 3, 4 and 5 collectively explore how we can understand states' institutional choices and international institutional change in the 21st century. The thesis does not raise a new theory of international institutions but rather proposes a new perspective from which to understand how international institutions matter in the setting of institutional divergence. It also analyses an under-explored issue in institutional analysis in Chapter 4, namely the rationale for states' exit from international institutions.

²³ Though institutions are constantly changing, we have to study them as if they were stable in some place and time. This is a compromise for research and indeed institutions can be relatively stable nonmaterial structures under some conditions. But in the long run they are perpetually flowing with transformations of various degrees.

²⁴ Kal Raustiala and David G. Victor, "*The Regime Complex for Plant Genetic Resources*;" Kellee S. Tsai, "Adaptive Informal Institutions and Endogenous Institutional Change in China," *World Politics* 2006, 59, 1, pp. 116-141; Victor Nee and Paul Ingram, "Embeddedness and Beyond: Institutions, Exchange and Social Structure," in M. Brinton and Victor Nee eds., *The New Institutionalism in Sociology*, New York: Russell Sage Foundation, pp. 19-45, 1998; Robert Ellickson, *Order without Law: How Neighbors Settle Disputes*, Cambridge, Mass.: Harvard University Press, 1991; Eric A. Posner, *Law and Social Norms*, Cambridge, Mass.: Harvard University Press, 2000; John A. Drobak ed., *Norms and the Law*, New York: Cambridge University Press, 2006.

Chapter 3 explores how, against the backdrop of multiple international institutions, a state's compliance can be altered from the conventional assumption that they are facing only one set of institutions in their interactions with institutional arrangements. After explaining the nature of states' compliance with international rules; that is, "the logic of consequences" and "the logic of appropriateness,"²⁵ this chapter shows that conventional mechanisms put forward to explain states' compliance, for example reciprocity and reputation by rationalists and the "boomerang" model by constructivists,²⁶ are insufficient if they are scrutinized in terms of international institutional interaction and divergence. This is not to reject fundamentally the traditional logics of consequences and appropriateness as the basic theories of state action. The author believes that the real reasons for states' compliance are located between the spaces of these two logics, and that they apply in different proportions within different contexts. What this thesis argues is that the previous process mechanisms will face challenges in the context of multiple international institutions. Chapter 3 then describes how states' compliance is influenced in different circumstances of institutional interactions. Existing compliance mechanisms need to take account of the context of institutional divergence and their operating systems need to be broken down, supplemented and reorganized. Moreover, this chapter indicates that if we study international institutions' effects in a situation where institutions mirror each other, the endogeneity obstacle to the study of states' compliance can to some degree be mitigated.²⁷

The focus of Chapter 4 remains on the agents by explicating the under-explored question of state's withdrawal from international institutions. Complying with or violating the rules stipulated by international institutions might seem the only possible options for states,

²⁵ James G. March and Johan P. Olsen, "The Institutional Dynamics of International Political Orders," *International Organization* 1998, 52, 4, pp. 943-969.

²⁶ von Stein, Jana. "International Law: Understanding Compliance and Enforcement." *The International Studies Encyclopedia*. Denmark, Robert A. Blackwell Publishing, 2010. Blackwell Reference Online. 08 April 2010 <http://www.isacompendium.com/subscriber/tocnode?id=g9781444336597_chunk_g978144433659711_ss1-33>; Andrew T. Guzman, *How International Law Works: A Rational Choice Theory*, New York, NY: Oxford University Press, 2008; Thomas Risse, Stephen C. Ropp and Kathryn Sikkink eds., *The Power of Human Rights: International Norms and Domestic Change*, Cambridge: Cambridge University Press, 1998.

²⁷ Endogeneity means that even if there are no institutional arrangement for international cooperation, states will anyhow choose the same behavior out of self-interest. Thus international institutions are just confirmation of existing states choices instead of structures with real governing functions. International institutions are just the byproducts of shallow International cooperation. See Beth Simmons, "Treaty Compliance and Violation," *Annual Review of Political Science* 2010, 13, pp. 273-96; David A Lake, "Beyond Anarchy: The Importance of Security Institutions," *International Security* 2001, 26, 1, pp. 129-60.

however the exit option is also a possible institutional choice and one unnoticed by existing international institutional analysis. Comprehensive study of this option can improve our understanding of global governance and international order. This chapter also goes a step further by providing a preliminary outline of the dynamics for international institutional divergence. Obviously institutions cannot change and move by themselves, and it is only through the dynamic and strategic interaction among states and other actors as agents that they gain momentum. This chapter does not ignore the conventional action theories that take variables like power, interest, trust and identity seriously as primary factors in their explaining of agents' institutional choices. However, it puts these elements into dynamic social relations and treats these relations as the driving forces that move international institutions. Social relations are bridges that can dynamically connect agents and structures organically through agents' social practice. Social relations of coercion, interest and trust are ideal types that can relatively depict actors' interactions in real life. With dynamic social relations as the driving forces, we can put forward a rudimentary framework to explain states' exit choice from international institutions. The framework also takes into consideration the distributional effects of international institutions and the interactive mechanisms of institutional divergence. States' exits from the International Whaling Commission (IWC) are used as illustrative examples in analysing these conceptual ideas.

In Chapter 5 we turn our attention to the international structural level. With institutional divergence as a backdrop, how to understand international institutional change is the main focus of this chapter. International institutional change is the essence of the transformation of the international system or governance models in particular issue areas. Existing international relations theories on system or institutional changes need to be further developed to better understand international stability and change. Realism endows international institutional change with power as the only driving force, while institutions themselves have no ontological status in this explanation. This understanding of institutions ultimately deprives realism of the international institutional foundations and their attached meanings of social life because it lacks the social and transcendental structure to support the operations of power struggles in the international system. In addition, impetuses other than power alone, like trust for example, have to be considered to fully understand the motivations for institutional change.

Liberal institutionalist and constructivist paradigms, by contrast, treat international institutions and norms as fundamental factors in their explanation of international politics. Along with their common liberal aspirations, liberal institutionalism's and constructivism's research agendas gradually come to a confluence. Though progressive in showing institutions' supporting roles in international society, these two theories' normative standards usually lead them to assume only one set of legitimate international institutions or norms when discussing their transmission and operation. According to these approaches, political and social systems, both domestic and international, will in the end arrive at the liberal democratic destination in a teleological route.²⁸ In that case, institutional change in the international system needs some exogenous catalyst to be realized. Great events such as war or revolution based on power politics are usually treated as the external forces that can break down the existing equilibrium during transitional periods, as realism also argues. Thus, all three paradigms share the same problem in that they usually rely on an exogenous source in their explaining of international institutional change. Moreover, these external factors in most situations work in a violent and acute manner.²⁹ These arguments omit the possibility institutional changes happening in a relatively subtle, gradual and stable way.

Chapter 5 borrows explanations of gradual institutional change from economic sociology and comparative politics, which indicate that the interaction between formal and informal institutions can be treated as an impetus for formal institutional change.³⁰ Following this thesis's theme of international institutional divergence, this chapter argues that the tensions generated from the interactions between international formal and informal institutions can promote formal institutional change in a relatively peaceful and gradual manner. International institutional change does not necessarily have to happen always in a big bang manner. Even if fluctuations like wars or revolutions are needed for institutional change under certain conditions, normally a gradual period of institutional formation and promotion is inevitable.

²⁸ Ideals like democracy should be promoted around the globe, but there may be many forms of democracy instead of only one. Other aspirations and normative pursuits, economic and political development for instance, are better understood this way.

²⁹ Jeff D. Colgan, Robert O. Keohane and Thijs Van de Graaf, "Punctuated Equilibrium in the Energy Regime Complex," *Review of International Organizations* 2010, 7, pp. 117-143.

³⁰ Victor Nee and Sonja Opper, *Capitalism from Below: Markets and Institutional Change in China*, Cambridge, MA: Harvard University Press, 2012.

Amitav Acharya has recently argued that the current world order is a “multiplex” one.³¹ According to Acharya, multiple actors, emerging and existing great powers as well as other actors beyond the limits of territorial states like international and regional organizations will co-exist on the world stage. At the same time, interdependent relations are maintained among multiple players where actors old and new have to share the leadership in global governance. This is a relatively precise description of a world order in the making. Regardless of what kind of actors are merging and what the structural changes will be for existing players in international system, Acharya points out that although America is still the most important player in global governance, it now has to share leadership with emerging powers and solve global problems in the framework of multilateralism. This thesis supports this spirit of power sharing and multilateral cooperation in the coming new world order.

Acharya emphasizes the importance of the role of regions, regional powers and regional institutions, but this thesis treats states as the linchpin for future world organization while recognizing that a wide range of actors organized beyond sovereign territory are emerging in large numbers that may challenge the composition of world politics greatly.³² The transformation of international politics has significant implications, while another critical question this thesis emphasizes is the urgency of developing a normative theory on states’ and other actors’ institutional choices. Under multiple international institutional frameworks, a theory that encompasses the various types of institutions becomes pressing for international order. If international institutions built by states cannot function around the globe, how should states manage the interactive relations among plural international institutional systems? The emergence of a worldview of co-existence and co-evolution instead of conflict and exclusivity among multiple institutional systems may be more meaningful than the compositional change in world politics.

Something transcendental is always needed for societies to succeed and for social order. If we cannot apply this transcendence to international society based on universal values or almighty

³¹ Amitav Acharya, *The End of American World Order*, Cambridge, UK: Polity, 2014.

³² Harold K. Jacobson, “International Institutions and System Transformation,” *Annual Review of Political Science* 2000, 3, pp. 149-166.

international institutions; if institutions in international society are eternally changing, adjusting and evolving; and if we resist our desire to design a perfect international institutional system and try to socialize all states into it, then how to make plural and multilevel international institutions co-exist in a harmonious way becomes the core mission for future world political organization. This thesis argues that while a harmonious world may not be achievable in the near future, a world in a process of harmonization is something that is worth striving for. Harmonization is an endless process of evolving with international institutions functioning fundamentally to maintain order. The norm or standard for international institutional evolution and development should be co-existence and symbiotic promotion of harmony while accommodating diversity. Moreover, international institutions should be updated and reformed to make them more just and democratic. The last chapter in this thesis sums up the main ideas illustrated in previous chapters and discusses the normative and policy implications of international institutional divergence.

Some methodological justifications

As described above, this thesis explores how we should explain international institutional effects and states' institutional choices against the backdrop of dynamic and multiple international institutional systems. It points out the concrete and abstract forms of institutional divergence and the interaction between international formal and informal institutions is emphasized. It argues that the existing mechanisms for states' compliance with international rules and international institutional change need to be supplemented in this new context of dynamic institutional divergence. An under-explored question, namely states' withdrawal from international institutions is also analysed from this perspective. In addition, the embryonic normative implications of a plural international institutional system are also briefly discussed, which are of great significance for world political organization and order. The questions investigated in this thesis under the theme of international institutional divergence have vital implications for our understanding of how international institutions matter in international organization, order, and international system transformation. Some assumptions and methodological questions related to this thesis are briefly described below.

A standpoint should be carefully chosen for any social research on the agent and structure spectrum. Rational choice theories favour individualism with only a micro-foundation for the study of agents' strategic interaction, while sociological institutionalism incorporates holism to observe social norms' integrative functions. This thesis obviously stands closer to the structural side. However, international institutions as an international structure will not be treated as static and singular as they are normally assumed to be. Without certain kind of transcendental institutional arrangements at the international level, the ontological existence of international society itself will be doubtful and institutional analysis at the international level will accordingly be questionable. On the other hand, agency cannot be denied in the international system. Without states and other actors' input, international institutions would be lifeless and inorganic structures; instead they are complicated, changing and energetic.

Though recognizing the importance of domestic and transnational politics, this thesis takes the state as the basic actor in the international system. This choice is made for the convenience of analysis. This thesis complicates the conventional assumptions of international institutional arrangements. If domestic and transnational players were added into the analysis, this thesis would become too unwieldy. In this case, in order to make the explanatory framework relatively simple and concise, compromises had to be made to represent the complex international political realities. On the other hand, though the sovereign state is facing numerous challenges in a globalized world, it is still the link between domestic and international politics. The composition of world politics is indeed experiencing rapid evolution, as Acharya and many others argue, which is seeing multiple actors proliferate that exert real and extensive influences on everyday politics. Acknowledging the limits of sovereign states in the world today, we should also notice the limitations of these new players in world politics. Strong and effective states are in urgent demand in many parts of the world to provide public goods and get rid of public bads domestically and internationally. Moreover, states are more desirable if they can hold together societies in a democratic and encompassing manner. Accordingly, apart from the requirement for a simple framework, treating the state as the basic unit of analysis is also a reasonable reflection of the world political reality today.

This thesis rejects the assumptions of the conventional international institutional environment and pays close attention to the divergence among international institutions. However, in its concrete illustrations of states' compliance or international institutional change, for example, only institutional arrangements at the international level are considered. This compromise is made for the convenience of the theoretical analysis because geographical divergence in the level of analysis in international relations is itself one important form of institutional interaction and divergence, as is discussed in Chapter 2. The interaction of international and domestic institutions is a research frontier in international institutional analysis that needs further investigation. Resisting the "Westphalia complex," this thesis further argues that more levels of institutional interactions should be exploited to broaden our vision of institutional divergence. Institutional interactions from the civilizational and regional levels to the levels between cities and sub-regions should also be brought in to discover the genuine living conditions of institutions in international society. This thesis refers to all these interactions among institutions as international institutional divergence, with multilevel and multiple institutions included.

To keep its explanatory framework relatively simple, this thesis only focuses on institutional divergence at the international level, and only interactions between two international institutional arrangements are taken into account. The assumption as to the basic unit in the international system made in this thesis is the same as in mainstream international relations theories. Its international structural assumption is obviously not the power and capability comparison under an anarchic system of realism; rather it relates to the non-material international institutional and normative structures as demonstrated by liberal institutionalism and constructivism.³³ However, unlike the latter two paradigms, international institutional arrangements in this thesis are assumed not as static and singular, but as multiple and fluid. World order against a backdrop of institutional divergence seems to be more fragmented, but these institutional fragmentations are themselves organized. The interactions, communications, and even conflicts among plural and multilevel institutions paint a different picture of world political order than our conventional frameworks.

³³ Even international organizations established under international treaties are not considered as international institutions in this thesis as some liberal institutionalism theories do, because international institutions and norms are intersubjective rules among actors instead of actors like international or regional organizations themselves.

The theoretical framework of institutional choice and change put forward in this thesis reflects a complicated environment where multiple institutions co-exist and is influenced deeply by studies of the relations between law and social norms, formal and informal institutions in comparative politics, economic sociology, and law and society. As well as bringing state and formal institutions into institutional analysis, the informal and social norms functioning in both state and society should also be considered to understand social control and order comprehensively. Moreover, what is important is the exploration of the interactive effects between state and society, and formal and informal rules if we intend to gain a fuller understanding of real political processes. These domestic discoveries apply to international society too. Institutions, both domestic and international, are always appearing in a plural form. If people cannot maintain social order with only one set of institutions, and cannot live without institutions to make society a reality, then we can only gain a good understanding of institutions' roles by studying the cracks of their interactions and divergence.

With the above discussion in mind, this thesis makes three general assumptions. Firstly, seeing politics as revolving around the state is only one portion of the whole political process, though arguably the most important part. Formal politics are restrained by informal politics in domestic society and even formal rules themselves are diverging along various dimensions. In international society, states are ruled by international institutions and these international authorities are real and profound, though contested. Secondly, there is no essential difference between international and domestic politics. The main difficulties for international institutional analysis compared with the domestic research agenda are the extension of geographical spaces, expansion of political levels, and the proliferation of numerous players. The logic behind institutional analysis at different levels is the same. No institutional arrangement can completely determine the operation of politics, and on the other hand the existence of society and maintenance of social order are sustained by institutions. Power, trust and other social relations are the driving forces of institutional changes, but these variables themselves need institutions' guidance to find their direction and meaning. Thirdly, we can only perceive an institution's real life within its institutional environment, which is one where many institutions co-exist. Institutional effects can only be presented in their interactive relations and the investigation of a concrete institutional population is crucial in

institutional analysis. All social research is conducted with some assumptions. Assumptions are sometimes false, with no correspondence in real life, but they are highly necessary because no one can tell a story that is the perfect and complete reflection of the complicated and intricate world. Challenging existing assumptions is often a useful way to discover new questions or new angles for old questions. And this is the point of departure for this thesis on international institutional divergence.

The idea of plural institutions living together in the international system explored in this thesis could be seen as just another confirmation of the decentralized anarchic world with no common government described by realists.³⁴ However, the concept of international institutional divergence in this thesis differs in important ways from realist theories. Firstly, although realism treats the international system as anarchic and decentralized, it argues that hegemonic states or state groups can shift institutional arrangements from multiple to singular through the operation of power resources. This thesis argues instead that institutional unification is not possible in the real international political environment. The existence of multiple sets of institutions for international social control in equilibrium instead of just one is the normal and constant state of institutional surroundings. Complete and long-term institutional unification is a utopian idea, even for domestic politics, and the consolidation of various institutional arrangements at the international level is even harder to imagine. Secondly, international institutions in realist theories are just tools manipulated by strong states to pursue their national interests, while this thesis gives institutions in international society a more ontological and essential status. Power and institutions are variables working at different conceptual levels, though they are closely linked. Without institutions' sustaining role, there will be no communities and societies. On the other hand, the promotion of some institutional preferences needs power's support to carve out a path for their growth. Small powers are experiencing tremendous difficulties spreading their institutional aspirations and without institutional piloting even big states' power projections may lose their way.

³⁴ Daniel W. Drezner, "The Power and Peril of International Regime Complexity," *Perspective on Politics* 2009, 7, 1, pp. 65-70.

The development of theoretical frameworks that can link domestic and international politics is a cutting-edge project in international political studies. There are two main research directions in this area. Firstly, the substantial amount of studies that explore the connections, related actors, and processes along the borders of domestic and international politics. For example, investigations into states' various responses to the pressures exerted by globalization that study how domestic political decisions have spilled over into the international sphere, or research on how domestic and international institutions influence each other mutually. The second direction explores the relationship between domestic political models and international ones. Since domestic political and social theories are usually more advanced, we can borrow domestic institutional theories and use them for our understanding of international institutions. The introduction of the new models of states in neo-institutional economics into international institutional arrangements is an important agenda for liberal institutional theories, for instance.³⁵ This thesis adds to the second research direction by applying institutional interaction frameworks for explaining domestic politics and societies to the international stage, and evaluating how international institutions matter when they are divergent.

In sum, this thesis draws lessons from institutional analysis in domestic society and puts forwards a new perspective for our understanding of international institutional effects. This new perspective of international institutional divergence is used to shed new light on some old institutional questions, namely states' compliance with international rules and international institutional change. Preliminary study is also made of the under-explored issue on states' withdrawal from international institutions. The thesis does not put forward a theory of international institutions; instead it proposes a new viewpoint from which to study how international institutions matter. A basic mechanism for explaining international institutional effects is also put forward under the assumption of institutional divergence. This mechanism is a snapshot of institutional interaction that challenges the existing explanations of institutions' roles at the international level. Due to the time constraints of PhD study, this mechanism is not tested with qualitative or quantitative methods. However, the thesis does use China's institutional choices and intervention to analyse the interaction between

³⁵ Su Changhe (苏长和), “合约、国家理论与世界秩序——自由制度主义的外交理念与世界政治主张 (Contract, Theory of the State, and World Order: A Study of World Order from the Perspective of Neo-Liberal Institutionalism),” *外交评论 (Foreign Affairs Review)* 2007, 2, pp.9-18.

international formal and informal institutions, and the IWC is studied as an example of various states' institutional choices and patterns of international institutional change. In addition, the case study materials in this thesis are mainly secondary and no new empirical findings are presented on these international political issues. The materials are used to interpret international institutions' functions under the assumption of institutional divergence. Existing resources are adopted and observed from a new angle to further our understanding of international institutions. The author believes that institutions for social control and order functioning at every level of human society have the similar working rationale and can be analysed with analogous logic. Robert Ellickson argues that "events at a remote corner of the world can illuminate central questions about the organization of social life,"³⁶ and this certainly applies to topics like China's rise and international whaling, which are undeniably hot issues in world politics at present.

³⁶ Robert Ellickson, *Order without Law: How Neighbors Settle Disputes*, p.1. In fact, Ellickson used delicate game theory to explain informal norms' role in social order.

CHAPTER 1 CHINA AND INTERNATIONAL INSTITUTIONS: INTERNATIONAL ORDER BEYOND FORMAL RULES?

Is China a responsible power or a rebel in the international system? Will China internalize international norms and integrate fully into international society, or will it be another rational challenger of the international order as predicted by the realists? This chapter argues that these conventionally dichotomous descriptions and predictions from rational choice or sociological perspectives are inaccurate and misleading. International norms are always contested while material interests cannot alone determine states' institutional choices. This chapter aims to find a middle ground to understand China's interaction with international institutions through logic of social relations. In contrast to the logic of consequences and appropriateness, the logic of social relations pays attention to the interaction of formal and informal institutions and aims to find the relational dynamics that push the evolution of international institutions in the international system. China's sovereign practice, especially its interaction with United Nations peacekeeping operations and humanitarian interventions, will be used as a case to illustrate the sovereignty institution as a bundle of social relations and China's role embedded within. Generally, this Chapter will be a catalyst for our discussion of international institutional divergence in international society in subsequent chapters by introducing the interaction of formal and informal institutions in analyzing one of the most attractive topics in international relations today: China's rise and its implications for international order.

China's rise and the institutionalization of world politics are two conspicuous transformations that are happening in the international system today. As an emerging world power, China's dynamic relations with international institutions are of high stake to international order and global governance. How can we assess China's participation in international institutions? Is China a rule-taker or rule-maker? How does China comply with international institutions? What is China's role in the evolution of international institutions? These are crucial questions international relations scholars and practitioners are facing today. How we judge China's role in international institutions is determined by our theoretical orientations that are intertwined with the real world. However, conceptions and theories sometimes are static while the actual world is changing constantly. It seems that conventional explanations cannot give us satisfactory answers to these important questions in world politics.

International relations theories have been experiencing an institutional turn since the 1980s.³⁷ This is a reflection of the institutionalization and legalization of world politics.³⁸ The processes of China's economic development and integration into the world since its reform and opening up policy witness a transformation of the global system that is gradually institutionalized both in scope and density. In these processes of interaction between China and the world, China joins most of the multilateral international organizations and agreements at both regional and global levels covering many issue areas, ranging from security to economy and from the environment to public health.³⁹ The interaction between China and international institutional structures causes mutual transformations of China and the world.⁴⁰ China's rapid economic development and social transformation cannot be accomplished without the support of a reliable international institutional environment, while international institutions cannot work effectively and legitimately without China's participation. As the mutual influences growing deeper and broader, how to explain China's institutional choice and judge its role in international institutional change theoretically becomes pressing and significant. The interactive effects of China and international institutions provide a good laboratory to understand institutional change in the international system.

After illustrating the under-socialized and over-socialized tendencies of existing frameworks in explaining China's engagement with international institutions, this chapter brings informal

³⁷ Orfeo Fioretos, "Historical Institutionalism in International Relations," *International Organization* 2011, 65, 2, pp. 367-99.

³⁸ Judith L. Goldstein, Miles Kahler, Robert O. Keohane, and Anne-Marie Slaughter eds., *Legalization and World Politics*, Special issue of *International Organization* 2000, 54, 3, Cambridge, Mass.: MIT Press.

³⁹ Elizabeth C. Economy and Michel Oksenberg eds., *China Joins the World: Progress and Prospects*, New York: Council on Foreign Relations Press, 1999; Wang Yizhou (王逸舟), ed., *磨合中的建构: 中国与国际组织关系的多视角透视 (Construction in Contradiction: A Multi-insight into Relationships between China and Key International Organizations)*, Beijing: Beijing Development Press, 2003; Wang Jianwei, "China's Multilateral Diplomacy in the New Millennium," in Yong Deng and Fei-Ling Wang eds., *China Rising: Power and Motivation in Chinese Foreign Policy*, New York: Roman & Littlefield, 2005, pp. 159-200; Su Changhe (苏长和), "发现中国新外交: 多边国际制度与中国外交新思维 (Rediscovering Chinese Foreign Relations: Multilateral International Institutions and China's New Thinking on Diplomacy)," *世界经济与政治 (World Economics and Politics)* 2005, 4, pp. 11-16.

⁴⁰ Su Changhe (苏长和), "国内国际相互转型的政治经济学: 兼论中国国内变迁与国际体系的关系 (1978-2007) [The Political Economy of the Mutual Transformation of the Domestic and International Systems Implications for China and the International System (1978-2007)]," *世界经济与政治 (World Economics and Politics)* 2007, 11, pp. 6-13.

institutions into international social control mechanisms and discusses their interactive effects with formal international treaties. China's role in sovereignty institution through its interaction with UN peacekeeping operations and humanitarian interventions is analyzed to reveal its institutional choice within international strategic spaces where formal and informal institutions interact endlessly. The conclusion sums up the policy and theoretical implications of introducing informal institutions into international society.

Existing institutional explanations on China and international institutions

There are not many empirical studies on institutional effects and states' institutional choice in international studies, let alone research that treats China and international institutions as the theme due to methodological difficulties.⁴¹ As a result of the anarchy assumption as the primary feature of the international system, first generation studies of international institutions were trying to prove that institutional structures matter also at the international level.⁴² After establishing the legitimate status in international relations theories, institutional analysis began to explore the mechanisms of international institutional effects.⁴³ Ideas from institutional economics, institutionalism in organization theories, social psychology and other disciplines are applied to the international system to explore states' compliance with international institutions and international institutional effects.⁴⁴

⁴¹ Marc Lanteigne, *China and International Institutions: Alternate Paths to Global Power*, London and New York: Routledge, 2005; Gerald Chan, *China's Compliance in Global Affairs: Trade, Arms Control, Environmental Protection, Human Rights*, Singapore: World Scientific Publishing, 2006; Ann Kent, *Beyond Compliance: China, International Organizations, and Global Security*, Palo Alto: Stanford University Press, 2007; Alastair Iain Johnston, *Social States: China in International Institutions, 1980-2000*, Princeton: Princeton University Press, 2008.

⁴² Lisa L. Martin and Beth A. Simmons eds., *International Institutions: An International Organization Reader*, Cambridge, MA: MIT Press 2001; Robert O. Keohane and Lisa L. Martin, "Institutional Theory as A Research Program," in C. Elman and M. Elman eds., *Progress in International Relations Theory: Appraising the Field*, Cambridge, MA: MIT Press, 2003, pp. 71-108.

⁴³ Barbara Koremenos, Charles Lipson, and Duncan Snidal, "The Rational Design of International Institutions," *International Organization* 2001, 55, 4, pp. 761-799; Jeffrey T. Checkel, "International Institutions and Socialization in Europe: Introduction and Framework," *International Organization* 2005, 59, 4, pp. 801-826.

⁴⁴ Darren G. Hawkins, David A. Lake, Daniel L. Nelson and Michael J. Tierney eds., *Delegation and Agency in International Organizations*, New York: Cambridge University Press, 2006; Martha Finnemore, "Norms, Culture, and World Politics: Insights from Sociology's Institutionalism," *International Organization* 1996, 50, 2, pp. 325-347; Maria Rublee, "Taking Stock of the Nuclear Nonproliferation Regime: Using Social Psychology to Understand Regime Effectiveness," *International Studies Review* 2008, 10, 3, pp. 420-450.

Rational choice and sociological institutionalisms, as two conventional tools of international institutional analysis, are used to explain China's institutional choice. From the point of view of rational choice, China takes a "mini-max" calculative strategy in its institutional choice.⁴⁵ It is a relentless economic animal that is always planning to gain the most with the least costs, while institutions are acting as structural constraints that reduce uncertainties and transaction costs with the aim of solving collective action problems. International institutions are just tools for China to create a benign international environment to gain access to resources, capitals, technologies and other strategic spaces. In addition, international institutions can also supply some non-material benefits like international reputation and status. However, there might be multiple equilibriums among institutional structures for states, including China, to choose. How can states then settle for one institutional equilibrium that would be satisfactory to all? Rational choice theories, especially the realism branch, usually argues that bargaining power will determine the final institutional arrangements with the most powerful states' preferences reflected in institutions.⁴⁶ Pushing this logic to the extreme, the maintenance of international institutions needs to be supplied by a hegemonic power or power group in the international system. While the neoliberal institutionalists treat international institutions as independent variable and believe they have autonomous effects in the anarchical international system, realism scholars hold that institutions are always functioning in the shadow of international power structures and can only be effective with the support of the great powers.⁴⁷ According to this logic of consequences, interests and power are the driving forces of international institutions.

From this rational perspective, the assumptions of international structure, state preferences and their interactive effects are crucial to determine states' institutional choices. If we assume states are pursuing absolute security and gains, we can predict that China will change the global normative structures and remake them with Chinese characteristics, and its institutional choice will only reflect its power status in the international system. On the other

⁴⁵ Samuel S. Kim, "China and the United Nations", in Elizabeth C. Economy and Michel Oksenberg eds., *China Joins the World: Progress and Prospects*, 1999, pp. 42-89, New York: Council on Foreign Relations Press.

⁴⁶ Stephen D. Krasner, "Global Communications and National Power: Life on the Pareto Frontier," *World Politics* 1991, 43, 3, pp. 336-366; Lloyd Gruber, *Ruling the World: Power Politics and the Rise of Supranational Institutions*, Princeton, NJ: Princeton University Press, 2000; Terry Moe, "Power and Political Institutions," *Perspectives on Politics* 2005, 3, 2, pp. 215-233.

⁴⁷ John J. Mearsheimer, "The False Promise of International Institutions," *International Security* 1994/1995, 19, 3, pp. 5-49.

hand, if we assume states can cooperate as firms in the market and maximize gains, we can estimate that China will adapt itself into the international institutions to make exchange and trade with other states in the international political market. Under this circumstance, China might also try to change the rules to some extent, but it will proceed through peaceful means. Generally, from the rational choice point of view, both containment and engagement are possible policy suggestions. Containing China is to get rid of the worst scenario of China's breaking up the current international rules when it has the ability to do so. This is a pessimistic opinion that regards China, as an emerging power, will always try to challenge the existing rules as similar cases in world history indicate. To engage China is to make bargains with China with the aim of making both China and the world happy, since both sides are content with the international institutional structures and have no intentions to overthrow the international order.

From China's side, we may have to wait many years before we can verify whether China will completely break down existing international rules to input its preferences into the institutional structures or not. Then is China a cold economic animal that only promote its interests in its global engagement in the current period? At least according to the existing research on China and international institutions, we can conclude that China generally complies with the international rules relatively well, especially in international security and political economy areas.⁴⁸ For example, China's behavior patterns in United Nation peacekeeping operations are of no great difference from other great powers, and it is estimated that China will continue to contribute in peacekeeping operations in the future.⁴⁹ All in all, rational choice institutionalism cannot give us an accurate picture of China's international institutional behavior. China is pursuing its interests, as all other states are doing, but the interests in rational choice institutionalism are too narrow a concept that usually only focuses on material gains. Moreover, interest is an assumption from a rational choice angle. China's goals and incentives are treated as set and given before we analyze its interests in

⁴⁸ Gerald Chan, *China's Compliance in Global Affairs: Trade, Arms Control, Environmental Protection, Human Rights*; Ann Kent, *Beyond Compliance: China, International Organizations, and Global Security*; Margaret Pearson, "Trade Policy and Regulatory Politics: China's WTO Implementation in Comparative Perspective," in David Zweig and Zhimin Chen eds., *China's Reforms and International Political Economy*, London: Routledge, 2007, pp. 112-130; Su Changhe (苏长和), "中国与国际制度: 一项研究议程 (China and International Institutions: A Research Agenda)," *世界经济与政治 (World Economics and Politics)* 2002, 10, pp. 5-10.

⁴⁹ Li Chien-pin, "Norm Entrepreneur or Interest Maximiser? China's Participation in UN Peacekeeping Operations, 2001-2010," *China: An International Journal* 2011, 9, 2, pp. 313-327.

institutions. We do not know where its interest comes from and also cannot predict where it will flow to. Rational choice institutionalism is an under-socialized perspective to understand states' relations with international institutions.⁵⁰

In contrast, sociological institutionalism falls to the other extreme of the agent-structure continuum. The most original institutional analysis from a sociological perspective are conducted by several new institutionalists from organizational studies who put forward a world-polity model which make correlations between international institutions and domestic practices.⁵¹ Constructivist scholars in international relations go a step further by raising several mechanisms to explain how international institutions matter. Strategic calculation, role playing, and normative suasion are among the most important casual mechanisms.⁵² Alastair Iain Johnston explains China's socialization into international institutions by using similar theoretical framework.⁵³ The main argument of sociological institutionalism is that states can be integrated into international institutions and norms through various mechanisms. And during this process of socialization, states internalize international institutions that will be their action guides with normative power. On the other hand, international institutions, international organizations specially will act as promoters and teachers of the appropriate behavior in international society.⁵⁴ English School international relations theories follow the same logic and argue that states living together in an anarchical international society are embedded within international rules and norms that maintain international order and govern states' interactions.⁵⁵ Following the sociological institutionalism's logic of appropriateness, China should be engaged and taught in order to transform it from an illiberal state into a liberal peer in the international system.⁵⁶ And through this internalizing process, China will

⁵⁰ Mark Granovetter, "Economic Action and Social Structure: The Problem of Embeddedness," *The American Journal of Sociology* 1985, 91, 3, pp. 481-510.

⁵¹ John W. Meyer, John Boli, George M. Thomas, and Francisco O. Ramirez, "World Society and the Nation-State," *The American Journal of Sociology* 1997, 103, 1, pp. 144-181.

⁵² Jeffrey T. Checkel, "International Institutions and Socialization in Europe: Introduction and Framework;" Alastair Iain Johnston, *Social States: China in International Institutions, 1980-2000*; Maria Rublee, "Taking Stock of the Nuclear Nonproliferation Regime: Using Social Psychology to Understand Regime Effectiveness."

⁵³ Alastair Iain Johnston, *Social States: China in International Institutions, 1980-2000*.

⁵⁴ Martha Finnemore, *National Interests in International Society*, Ithaca, NY: Cornell University Press, 1996.

⁵⁵ Hedley Bull, *The Anarchical Society*, New York: Columbia University Press, 1977.

⁵⁶ Ann Kent, *Beyond Compliance: China, International Organizations, and Global Security*.

learn how to be a responsible state and change its governance mechanisms both at home and the global level.⁵⁷

In the real world, we find sociological institutionalism is also misleading in explaining China's choice in international institutions. China on the one hand does internalize many international institutions to integrate itself into the international system. The most famous example is China's reform of its domestic legal system to adapt itself to the World Trade Organization regulations. Another example includes the arms control experts' appearance in Chinese bureaucracies after interaction with their international counterparts. However, China is not just at the receiving end of international institutions and their embedded norms; it is trying to set some rules on humanitarian intervention since the end of the Cold War, for instance.⁵⁸ China is also trying to act as a rule-maker instead of just a rule-taker under certain conditions in the international aid area.⁵⁹ All these complicated pictures show that international institutionalization is not a linear and smooth process. Instead contestations and clashes of norms exist in this dynamic process. China, as a civilization of thousands of years, cannot accept international institutions without first cutting and trimming them to make them adaptable to its complicated domestic society.⁶⁰ As a matter of fact, this same complex process is happening to any states. For example, the internalization of the much controversial norm of Responsibility to Protect in the ASEAN countries faces many difficulties at international, regional and domestic levels.⁶¹ In view of these contentious processes of norm internalization, the feeding of contestation and localization into the life circle of international norms can open a new pathway to understand international institutionalization.⁶²

⁵⁷ Rosemary Foot, "Chinese Power and the Idea of a Responsible State," *The China Journal* 2001, 45, pp. 1-19.

⁵⁸ Pak K. Lee, Gerald Chan and Lai-Ha Chan, "China in Darfur: Humanitarian Rule-maker or Rule-taker?" *Review of International Studies* 2012, 38, 2, pp. 423-444.

⁵⁹ James Reilly, "A Norm-Taker or a Norm-Maker? China's ODA in Southeast Asia," *Journal of Contemporary China* 2012, 21, 3, pp. 71-91.

⁶⁰ Su Changhe (苏长和), "中国与全球治理: 进程, 行为, 结构与知识(The Process, Behavior, Structure, and Knowledge of the Emerging Chinese Model of Global Governance)," *国际政治研究(International Politics Quarterly)* 2011, 1, pp. 35-45.

⁶¹ David Capie, "The Responsibility to Protect Norm in Southeast Asia: Framing, Resistance and the Localization Myth," *The Pacific Review* 2012, 25, 1, pp. 75-93.

⁶² Amitav Acharya, "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism," *International Organization* 2004, 58, 2, pp. 239-275.

From the above discussion, we can conclude that rational choice institutionalism is under-socialized, while its sociological counterpart is over-socialized in explaining China's institutional behavior and its influences toward international institutional change. It seems that these two perspectives fall separately onto two ends along the agent-structure spectrum. Following the logic of consequences, institutions are efficient and instrumental designed by states to solve collective action problems. Although international institutions are not epiphenomenon, they are entangled with power and interest relations and usually are treated as a dependent variable. States can relatively freely design and adjust institutional structures according to changing circumstances. The more sophisticated version of this approach may insert the distributional conflicts and bargaining power into the institutional design structure to claim that power relations is pivotal in determining the exact institutional equilibrium.⁶³ The sociological institutionalism on the other hand emphasizes the independent and autonomous status of international institutions and treats institutions in the international system as an independent variable. States' appropriate behaviors in international society are taught and transferred from the structural side to the agent side. States facing normative and cognitive pressures from international institutions will try to behave legitimately with the help of various mechanisms of socialization processes. These two ideal types of institutionalism are hegemonic cognitive frameworks for our understanding of states' institutional behavior and institutional change in international relations. And naturally they are also being applied in our analysis of China's international institutional behaviour. However, China's institutional choice and its growing influences in shaping international normative structures in the real world indicate that the above theoretical tools are inaccurate or even misleading. China's behavior in international institutions is complicated and multifaceted. China accepts, resists, reforms and makes international rules in different time and space out of mixed interests and incentives. International institutions are not almighty teachers for China, yet their influences towards the transformation of China's domestic and international governance are profound and comprehensive. Confronting this complex picture of the interactions between China and international institutions, can we develop a better theoretical framework to explain these dynamic interactions? Can we find a bridge that can connect China's agency and institutional structures in international society?

⁶³ Terry Moe, "Power and Political Institutions," *Perspectives on Politics* 2005, 3, 2, pp. 215–34.

Beyond anarchy and international treaties: Informal institutions for international cooperation

International institutions have been established and maintained by Western powers. The rise of China and other emerging powers today challenges the existing global normative structures. The incorporation of new institutional and normative ingredients from the non-western world will undoubtedly bring a new look to the existing international system. How to integrate and coordinate the institutional pursuits of emerging and existing powers in the global system might be one of the most fundamental and significant task for both international relations scholars and policy makers.⁶⁴ How can we make sense of China's complicated institutional choices?

In an article on Elinor Ostrom's *Governing the Commons: the Evolution of Institutions for Collective Action*, Robert Keohane encourages international relations theorists to apply Ostrom's institutional analysis to the global level. He argues that international collective action has similar structural features as local communities without effective leviathan law enforcers.⁶⁵ According to Ostrom, people can cooperate effectively to protect communal resources without government as the rule maker, as people can make rules that are suitable for local circumstances and resolve collective action problems in polycentric governance.⁶⁶ One key reason for the promoting of the application of polycentric governance framework at the international level is that local communities are usually quasi-anarchical similar to the international anarchical structure. However, if we relax the assumption of the structural dichotomy of international anarchy and domestic hierarchy, we can discover that Ostrom's institutional analysis has another theoretical and policy implication that might carve out a new territory of institutional analysis at the international level.

⁶⁴ Agata Antkiewicz and Andrew F. Cooper eds., *Emerging Powers in Global Governance: Lessons from the Heilingendamm Process*, Waterloo: Wilfrid Laurier University Press, 2008.

⁶⁵ Robert O. Keohane, "Beyond the Tragedy of the Commons: A Discussion of Governing the Commons: The Evolution of Institutions for Collective Action," *Perspectives on Politics* 2010, 8, 2, pp. 577-580; Robert O. Keohane and Elinor Ostrom eds., *Local Commons and Global Interdependence: Heterogeneity and Cooperation in Two Domains*, London: Sage, 1995.

⁶⁶ Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action*, New York: Cambridge University Press, 1990.

Although international anarchy is never treated as total disorder, the international anarchy “straitjacket” does restrict our imagination on international institutions and cooperation. Helen Milner gives international anarchy a comprehensive assessment and argues that interdependence instead of anarchy might be the better assumption of international structure for theoretical deduction.⁶⁷ David Lake provides pervasive examples of international hierarchy institutions in world politics,⁶⁸ arguing that “recasting existing research programs always has uncertain benefits. But the potential for gains appears sufficiently large to warrant the intellectual effort necessary to move beyond the assumption that the international system is anarchic and to rebuild international relations theory on the more realistic premise that the system is actually characterized by myriad relationships of varying and sometimes hierarchical authority.”⁶⁹ Michael Barnett and Martha Finnemore treat international organizations as autonomous actors in world politics that have substantial normative power of classification, meaning fixing and norm diffusion.⁷⁰ If we regard formal international institutions as sources of authoritative hierarchical structures in global social life, can we gain some new insights of states’ relations with institutional effects and change in international system?

According to Keohane and Martin, international institutions can take the form of formal intergovernmental or nongovernmental organizations, international regimes, and informal conventions.⁷¹ This chapter takes a legal criterion to distinguish formal and informal international institutions. According to international lawyers, treaties and customary international law (CIL) are two primary forms of international law which is more or less the synonym of international institutions for political scientists. I treat international treaties as formal international institutions while CIL as informal international institutions. International treaties are international law or institutions in written form that usually have dispute resolution mechanisms, while CIL is the unwritten collection of international behavioral

⁶⁷ Helen Milner, “The Assumption of Anarchy in International Politics: A Critique,” *Review of International Studies* 1991, 17, 1, pp. 67-85.

⁶⁸ David A. Lake, *Hierarchy in International Relations*, Ithaca, NY: Cornell University Press, 2009.

⁶⁹ David A. Lake, “The New Sovereignty in International Relations,” *International Studies Review* 2003, 5, 3, p. 320.

⁷⁰ Martha Finnemore and Michael Barnett, *Rules for the World: International Organizations in Global Politics*, Ithaca, NY: Cornell University Press, 2004.

⁷¹ Robert O. Keohane and Lisa L. Martin, “Institutional Theory as A Research Program,” in C. Elman and M. Elman eds., *Progress in International Relations Theory: Appraising the Field*, Cambridge, MA: MIT Press, 2003, pp. 71-108.

regularities that over time nations view as binding. Based on this criterion, some international treaties that have minimum legal effects will still be classified as formal international institutions, and in my classification system institutions are formal as long as they are signed by related states in official and written form. It is the formalized and official modality instead of international legal effects that will determine whether international institutions are formal or informal. For example, the moratorium took effect in 1986 on commercial whaling by the International Whaling Commission is a formal international institution, while the emerging alternative international norm that whaling states are promoting based on culture and other factors is treated as an informal international institution.⁷² The rules on the use of force in international system written and stipulated in the United Nations Charter are formal international institutions, while the emerging norms of humanitarian intervention are informal international institutions.⁷³

Having taken off the international anarchy straitjacket and made a distinction between formal and informal international institutions, we can now consider another implication of Ostrom's framework for international institutional analysis. Ostrom points out that people can make rules and cooperate without the intervention of government at local communities. And sometimes the involving of formal rules from the government may even cause unexpected negative effects toward collective action at the local level.⁷⁴ Following this thinking, we can link up with an interdisciplinary research frontier in social sciences that investigates the interactions of formal and informal rules.⁷⁵ For example, Robert Ellickson discovers that people in rural California use informal norms to solve trespassing cattle disputes instead of referring to law which help them reach order without law. He attributes this institutional choice from a rational choice perspective to the relatively higher transaction costs of the application of law.⁷⁶ Employing game theory, Avinash Dixit analyzes various informal

⁷² Jennifer L. Bailey, "Arrested Development: The Fight to End Commercial Whaling as a Case of Failed Norm Change," *European Journal of International Relations* 2008, 14, 2, pp. 289-318.

⁷³ Ian Hurd, "Is Humanitarian Intervention Legal? The Rule of Law in an Incoherent World," *Ethics & International Affairs* 2011, 25, 3, pp. 293-313.

⁷⁴ Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action*.

⁷⁵ Victor Nee and Paul Ingram, "Embeddedness and Beyond: Institutions, Exchange and Social Structure," in M. Brinton and Victor Nee eds., *The New Institutionalism in Sociology*, New York: Russell Sage Foundation, 1998, pp. 19-45; Victor Nee, "The New Institutionalism in Economics and Sociology," in Neil Smelser and Richard Swedberg eds., *The Handbook of Economic Sociology*, Princeton, NJ: Princeton University Press, 2005, pp. 49-74.

⁷⁶ Robert Ellickson, *Order without Law: How Neighbors Settle Disputes*, Cambridge, Mass.: Harvard University Press, 1991.

governance mechanisms when legal governance is disorganized or dysfunctional.⁷⁷ Criticizing Oliver Williamson's transaction cost economics, Mark Granovetter in his 1985 seminal article emphasizes the importance of social relationships in solving the problem of trust.⁷⁸ These studies do not illustrate that formal rules and law are of little consequence. Far from it, it is only through the effective coordination of formal and informal institutions that social order can best be maintained.⁷⁹

In comparative politics, we are witnessing a trend that aims to understand institutional effects from the perspective of formal and informal institutional interaction. In his *Making Democracy Work: Civil Traditions in Modern Italy*, Robert Putnam argues that social capital such as norms, trust and networks can facilitate cooperation and improve the efficiency of society. Moreover, social context and history profoundly condition the performance of formal institutions. On the other hand, formal institutional change can affect the functioning of informal institutions.⁸⁰ Recently, the study of informal institutions in comparative politics has swept from the developing world to the advanced industrial democracies. Based on fieldwork in African villages, Lauren MacLean argues that the divergent informal institutions of reciprocity and indigenous notions of citizenship in two villages with similar historical background separated by the Ghana-Côte d'Ivoire border have been coevolving with the formal state formation trajectories of the two African countries.⁸¹ Covering various informal institutions in Latin America, Gretchen Helmke, Steven Levitsky and others have explored a set of conceptual, theoretical and methodological questions in advancing a research agenda on informal institutions.⁸² Another ground-breaking work on informal politics in East Asia edited by Lowell Ditter, Haruhiro Fukui and Peter Lee probes into the various forms of informal politics in East Asian political cultures. They point out that the social interactions of

⁷⁷ Avinash K. Dixit, *Lawlessness and Economics: Alternative Modes of Governance*, Princeton, N.J.: Princeton University Press, 2004.

⁷⁸ Mark Granovetter, "Economic Action and Social Structure: The Problem of Embeddedness," *The American Journal of Sociology* 1985, 91, 3, pp. 481-510.

⁷⁹ Victor Nee, "Norms and Networks in Economic and Organizational Performance", *American Economic Review* 1998, 87, 4, pp. 85-89.

⁸⁰ Robert D. Putnam, *Making Democracy Work: Civic Traditions in Modern Italy*, Princeton, NJ: Princeton University Press, 1993.

⁸¹ Lauren M. MacLean, *Informal Institutions and Citizenship in Rural Africa: Risk and Reciprocity in Ghana and Cote d'Ivoire*, New York: Cambridge University Press, 2010.

⁸² Gretchen Helmke and Steven Levitsky eds., *Informal Institutions and Democracy: Lessons from Latin America*, Baltimore: The Johns Hopkins University Press, 2006.

formal and informal politics are “common and influential”.⁸³ The interest in informal institutions can also be found in research in established democracies. For instance, Julia Azari and Jennifer Smith put forward a theoretical framework to explain the formal and informal institutional interaction in American politics, the subfield in which formal institutional analysis has flourished most.⁸⁴

The above examples show that the interactions between informal and formal institutions form a research frontier in institutional analysis in social sciences, including comparative politics. How do formal and informal institutions interact in the international system? What are the origins and consequences of this institutional interaction in the international system? What are the theoretical and empirical implications of this interaction? In the introduction of *Informal Politics in East Asia*, Haruhiro Fukui argues that “first, the traditional state-centric view of politics is unwarranted both empirically and theoretically; second, politics at either the infrastate or suprastate level does not differ qualitatively from politics at the state level; and, third, informal politics is as important as formal politics at all three levels.”⁸⁵ These three points provide a good backdrop for an analysis of the interaction of formal and informal institutions in the international system.

Charles Lipson argues that states choose informal agreements instead of treaties in international cooperation because informal agreements can satisfy their desire to avoid formal and visible pledges, avoid ratification, renegotiate or modify as circumstances change or reach agreements quickly. Legal scholars are criticized for they do not distinguish among agreements with different form and political intent.⁸⁶ Along a similar line, Kenneth Abbott and Duncan Snidal analyse the spectrum of international legalization from soft to hard legal agreements by the standards of obligation, precision, and delegation that the international agreements stipulate. States choose international agreements with various legal effects as a

⁸³ Lowell Dittmer, Haruhiro Fukui and Peter Nan-shong Lee eds., *Informal Politics in East Asia*, Cambridge, UK and New York, NY: Cambridge University Press, 2000.

⁸⁴ Julia R. Azari and Jennifer K. Smith, “Unwritten Rules: Informal Institutions in Established Democracies,” *Perspectives on Politics* 2012, 10, 1, pp 37-55.

⁸⁵ Lowell Dittmer, Haruhiro Fukui and Peter Nan-shong Lee eds., *Informal Politics in East Asia*, Cambridge, p. 11.

⁸⁶ Charles Lipson, “Why Are Some International Agreements Informal?” *International Organization* 1991, 45, 4, pp. 495-538.

result of a series of trade-offs. States need to balance the sovereignty costs and hard legalization benefits to make institutional choice. The clarification of institutional forms and explanations of states' institutional choice carry forward institutional analysis in international relations. However, these works neglect the interactive effects among them when discussing the institutional forms and effects.

In an article addressing the question as to how to govern in international relations, Qin Yaqing argues that global governance needs both rules and relations. Qin stresses the importance of relational governance as this form of governance stands in contrast to conventional rule-based governance and as it is neglected in international relations. While rule-based governance is essentially a cost-benefit calculation, the other stresses relationality, morality, and trust. "Relationality constitutes the nature of society and is, therefore, the key to governance; morality is the guiding principle for behavior towards harmonization of social relations; and trust works as the guarantee for good and sustainable governance of relations. While the rule-based model places emphasis on rationality, egoism, and contractual rules, this tripartite structure of relationality, morality, and trust reflects the essence of the relational approach to governance. The former is more legal, the latter is more social".⁸⁷ In the end, Qin argues for a synthetic approach to global governance. Despite Qin's new idea, his relational governance is actually rule-based governance too, although in this kind of governance the rules are informal. Besides, his Chinese model of relational governance is a normative idea. Apart from the horizontal trust relations among actors, vertical power relations and other forms of social relations also greatly influence governance effects. Lastly, the synthetic approach put forward by Qin only points out one ideal type of interaction between formal and informal institutions. Formal rule-based governance and informal rule-based governance can be complimentary, but conflicting and parallel relations between formal and informal institutions are also possible and could be more inspiring for understanding institutional change in international society.

Formal and informal institutions in international governance

⁸⁷ Qin Yaqing, "Rule, Rules, and Relations: Towards a Synthetic Approach to Governance," *The Chinese Journal of International Politics* 2011, 4, p. 134.

Following Qin's lead in comparing formal and informal rule-based governance, this chapter puts forward an interpretive framework to understand formal and informal institutional interaction in the international system. This will be proceeded through borrowing institutional analysis in social sciences, especially recent explorations of the formal and informal institutional interaction in economic sociology. As discussed above, my understanding of social relations is broader than Qin's. Qin predicts that the European governance model would be more formal rule-based despite the existence of some elements of relational governance. But Henry Farrell and Adrienne Héritier, using an interactive framework between formal and informal institutions to explain the legislative process of co-decision between the European Parliament and the Council within the European Union, emphasize that bargaining power has a decisive impact on the shaping of informal institutions and their interactions with formal institutional arrangements. They argue that only through an understanding of the recursive interactions between formal and informal institutions can we explain the complex co-decision process in European Union.⁸⁸ This case reminds us again that the interaction of formal and informal institutions is pervasive in international relations, from the east to the west, from the developing to the developed world. I agree with Farrell and Héritier that power differentials are vital in determining institutional equilibrium, but it is clear that power variable should be placed in dynamic social relations in various social contexts. In some social situations, the power and authority embedded within trust relations, as stressed by Qin, are more noticeable. Methodologically, I lean more to Qin's methodological relationalism than to Farrell and Héritier's methodological individualism or some other holistic methodologies.

Scholars critical of the conventional approaches of international institutions and norms usually treat institutional structures in international systems as "things" instead of "processes".⁸⁹ This is a common substantial tension in existing institutional analysis in international relations. Rational choice institutionalism usually regards international

⁸⁸ Henry Farrell and Adrienne Héritier, "Formal and Informal Institutions under Codecision: Continuous Constitution-Building in Europe," *Governance* 2003, 16, 4, pp. 577-600; Thomas Christiansen and Simona Piattoni, *Informal Governance in the European Union*, Cheltenham, UK and Northampton, MA, USA: Edward Elgar, 2003.

⁸⁹ Mona Lena Krook and Jacqui True, "Rethinking the Life Cycles of International Norms: The United Nations and the Global Promotion of Gender Equality," *European Journal of International Relations* 2012, 18, 1, pp. 103-127.

institutions as external structural constraints on states. When they use game theoretical framework to understand institutional change, they usually take a one-shot interaction perspective. But the institutional process is better considered as a set of infinitely iterated games in reality. “The problem with these results is their indeterminacy: it is not possible to discern the same precise relationship between institutional structure and outcomes that is present in many one-shot games”.⁹⁰ Although institutional equilibrium might be set at a special time and place through bargaining power or cultural norms, institutional arrangements will always be in a process of change. This problem is happening to sociological institutionalism, too. As Mona Lena Krook and Jacqui True argue, “although norms may take different forms, their boundaries are largely understood as fixed: norms are taught, advocated and internalized. They may be contested, yet tensions do not spring from internal contradictions or dissonance, but rather from competition with other, often opposing, norms and would-be norms”.⁹¹ They treat norms as “processes”, as works-in-progress, rather than finished products. They try to solve this static problem of international institutional analysis by adopting a discursive approach, while this chapter tries to relax this tension through the perspective of formal and informal institutional interaction.

Although international institutions are moving targets in a continuous process of change, this is not to deny their structural status as constraint and empowerment. The formal-informal institutional interaction perspective can make this point clear. Formal international institutions are relatively stable structures, while informal institutions are dynamic and frequently on the move. On the one hand human’s rationality is bounded and limited. On the other, formal international institutions are contracts that are incomplete. Social environments are so complicated and multifaceted that no institutions can cope with all the contingent and unexpected problems arising in social interactions. Moreover, no institutional arrangements can satisfy everyone’s interests. Even if an institution can work effectively and legitimately at time t , such situation cannot be guaranteed at time $t+1$ when social relational dynamics change. Hence, controversies and ambiguities always exist in formal international institutions. These ambiguities will form strategic loopholes that states exploit to satisfy their interests. However, informal institutions will emerge and infuse new ingredients into the existing

⁹⁰ Henry Farrell and Adrienne Héritier, “*Formal and Informal Institutions under Codecision: Continuous Constitution-Building in Europe*,” p. 580.

⁹¹ Mona Lena Krook and Jacqui True, “*Rethinking the Life Cycles of International Norms: The United Nations and the Global Promotion of Gender Equality*,” p. 104.

institutional jigsaws. Through the processes of interaction between formal and informal institutions, states adjust their relations with international institutions, and institutions themselves will change accordingly.

International institutional effects and states' compliance with international institutions are core questions in international institutional analysis.⁹² Realizing the dynamic interaction between formal and informal international institutions, we may have some new understandings on these important questions. For one thing, we should not only pay attention to formal international institutions' effects. Formal international institutions only provide partial structural constraints that govern states' social relations. Thus realist understanding of international institutions as epiphenomenon is partially wrong since informal institutions might affect states' interaction even if formal international agreements are paralyzed under some conditions. And neoliberal institutionalism is only partially right because it is not only formal international institutions that are making effects in international relations, their effects might just be the tip of the iceberg of the institutional complexes in international society. While constructivists' understanding of international institutions may go too far to give institutions autonomous status in international relations and neglect the interactive effects of formal and informal institutions. State behavior might deviate from formal institutions, but at the same time they may comply with other sets of informal institutions, or they may be promoting another set of informal institutions which might turn into formal ones at another time. Whose institutions should be complied with and which institutions are more legitimate are critical normative questions. After illustrating the importance of bringing the formal-informal institutional dynamics in international relations and the origins of these interactive effects, we now turn to discuss how informal institutions interact with formal ones in international society. In the long run, formal and informal international institutions coevolve dialectically, as they have different strategic and social needs. Scholars studying institutions have noticed that history and time matter in the evolution of institutions.⁹³ However, institutional theories tend to look backward and lay stress on history instead of looking

⁹² Beth A. Simmons and Lisa L. Martin eds., *International Institutions*, Cambridge, MA: MIT Press, 2001; Beth A. Simmons and Richard Steinberg eds., *International Law and International Relations*, New York: Cambridge University Press, 2007; Beth A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics*, New York: Cambridge University Press, 2009; Dai Xinyuan, *International Institutions and National Policies*, New York: Cambridge University Press, 2007.

⁹³ Paul Pierson, *Politics in Time: History, Institutions, and Political Analysis*, Princeton, NJ: Princeton University Press, 2004.

forward into the future. Path dependence and sunk costs are central to our understanding of institutional change, but we also need to look into the complete development trajectory of institutions.

In a discussion of formal laws versus informal norms, Peng Yusheng offers five categories of institutions by examining the prescriptive, proscriptive, and neutral nature of both formal and informal institutions.⁹⁴ Since a world without any formal or informal institutions where actors can act freely in a totally disorder state is almost impossible to find in reality, the drama of free actions will not be discussed here. Taking international society as our background, we mainly focus on the following four categories: international normativism, international legalism, congruence and conflict between international formal and informal institutions.

Table 1 A Typology of the Relationship between International Formal and Informal Institutions

	International informal institutions		
International formal institutions	Prescriptive	Proscriptive	Absent/Ambivalent
Prescriptive	Congruence	Conflict	International Legalism
Proscriptive	Conflict	Congruence	International Legalism
Absent/ambivalent	International Normativism	International Normativism	Free actions

Sources: Modified from Yusheng Peng, “When Formal Laws and Informal Norms Collide: Lineage Networks versus Birth Control Policy in China,” *The American Journal of Sociology* 2010, 116, 3, pp. 774.

(1) **International normativism.** This line of reasoning seems to fit in well with the conventional opinion of international institutional theories. Even constructivists who give international institutions autonomous status usually regard international law as different from municipal law under the assumption of international anarchy and domestic hierarchy. International institutions are only social norms and they are not similar to domestic laws which can be enforced by state power. But if we take the metaphor that treats some formal international institutions as formal laws with legal power, we can find new institutional

⁹⁴ Yusheng Peng, “When Formal Laws and Informal Norms Collide: Lineage Networks versus Birth Control Policy in China,” *The American Journal of Sociology* 2010, 116, 3, pp. 770-805.

dynamics in international society. In this context, formal international institutions are paralyzed while informal institutions govern the interactions among global actors. States and non-state actors under this situation adopt informal international institutions instead of formal international laws to realize collective action and resolve conflicts. The international norm of “Responsibility to Protect” (R2P) has gained much attention around the world since it was born out of the final report of the International Commission on Intervention and State Sovereignty (ICISS) released in 2001. Although with only limited legal effects, if we take the 2005 WSO document as a formal international institution, how does this international law diffused around the world? Through David Capie’s empirical study of the localization of the R2P norm in Southeast Asia, we can find that this emerging international law is incongruent with the existing regional norms around sovereignty. Thus the influence of R2P in the Southeast Asia should not be exaggerated although it has found some support within the region. As regional informal institutions associated with issues of human rights and sovereignty still dominate the social of interactions of states, there is little or no direct adoption of the global R2P formal institution into the region.⁹⁵

(2) **International legalism.** In this situation international informal institutions are irrelevant and international formal institutions alone will guide actors’ interactions in the international system. These conditions are almost non-existent in reality even in domestic politics where law and state power are thought to be more pervasive and effective. In international society without a world government, laws can play a role to a lesser extent though actors also cannot live without rules in their global social life. This is the eternal aim of Weberian ideal type rationalization and bureaucratization in institutional evolution where formal institutions and state power are deemed as the final judge of social life. In some ways, rational choice and sociological institutionalism are normative theories in that they assume that agents can form optimal institutions or existing institutional arrangements can activate agents’ minds through various mechanisms. These are in some sense mechanical views of institutions and ignore the dynamic nature of institutions. International formal institutions might be optimal and effective under specified conditions, but not so under other circumstances. Sovereignty is a formal international institution that is fundamental and constitutive to international society. However, several dimensions of the sovereignty institution are frequently violated out of

⁹⁵ David Capie, “*The Responsibility to Protect Norm in Southeast Asia: Framing, Resistance and the Localization Myth.*”

coercion or contractual relations among states that Stephen Krasner believes that sovereignty institution is actually “organized hypocrisy”.⁹⁶ These realities indicate that international legalism is a rare scenario for international society. Formal institutions face challenges from informal ones from time to time, while informal institutions become meaningless without counterforce from formal ones.

(3) Congruence between international formal and informal institutions. “When the formal rules of an organization are perceived to be congruent with the preferences and interests of actors in subgroups, the relationship between formal and informal norms will be closely coupled. The close coupling of informal norms and formal rules is what promotes high performance in organizations and economies.”⁹⁷ This logic works also for international institutions and organizations. The well-functioning of organizations derives from the savings of monitoring and enforcing costs among agents because of the match of interests between formal and informal institutions. Though the R2P norm cannot find roots in Southeast Asia, it is quite easy for this formal international institution to match the informal international institution giving human rights priority in the Anglo-American world. Also we can find that international moratorium on commercial whaling fits in the rules and norms regard whaling among the United States, the United Kingdom, Australia, New Zealand and other anti-whaling countries. And if the Axis alliance won the Second World War, then world politics inevitably would be organized around another set of institutions and values based on Germany, Japan and other following countries’ international informal institutions. Following this logic of congruence between international formal and informal institutions, we can infer that the Western world naturally should have relatively better records of compliance generally with the existing liberal international institutional system since this formal institutional order is closely coupling with the informal international institutions among them. It is this congruence and vested interests within that determine liberal states’ compliance with formal international institutions, other than some other explanation variables such as regime type. Moreover, we can calculate that emerging powers with diversified cultural traits, history and basic way of life definitely will bring in different institutional components into existing

⁹⁶ Stephen D. Krasner, *Sovereignty: Organized Hypocrisy*, Princeton, NJ: Princeton University Press, 1999; Stephen D. Krasner ed., *Problematic Sovereignty: Contested Rules and Political Possibilities*, New York: Columbia University Press, 2001.

⁹⁷ Victor Nee, “Norms and Networks in Economic and Organizational Performance,” *American Economic Review* 1998, 87, 4, p. 87.

international formal institutions following the accumulation of hard and soft power, since they have alternative informal institutional histories and strategies to govern global affairs and organize international life.

(4) Conflict between international formal and informal institutions. In this case, formal international institutions will be challenged by states supporting opposite informal institutions. Formal institutions cannot function well under the negative influences from the informal ones. This does not mean that international institutions are impotent because no challenges can last long if they do not have institutional forms themselves to maintain states' cooperation and legitimacy. We need to know whose institutions are functioning at what level. The International Whaling Commission's 1982 moratorium banning all commercial whaling is a formal international institution that is still in place today. Under this international law, some whaling states and nongovernmental international organizations have been trying to promote another international norm permitting whaling out of food security and cultural sovereignty since the moratorium took effect in 1986. The institutionalization of this alternative international informal institution is the aim that Japan and other actors are trying to realize in the divided International Whaling Commission.⁹⁸ The pro-whaling and anti-whaling actors' strategic interactions in this global environmental arena are exactly the manifestation of conflicting international formal and informal institutions.

In reality, the boundary between formal and informal institutions in the international system is blurred and fluid. Yet, we need to discover ideal type relationships between formal and informal institutions in special contexts, for analytic convenience, as the above scenarios illustrated. We can understand the interaction between formal and informal international institutions through the lens of state-society relations. In Joel Migdal's state-in-society approach, "Actual states are shaped by two elements, image and practices. These can be overlapping and reinforcing, or contradictory and mutually destructive. Image has tended to

⁹⁸ Amy L. Catalinac and Gerald Chan, "Japan, the West, and the Whaling Issue: Understanding the Japanese Side," *Japan Forum* 2005, 17, 1, pp. 133-163; Andrew R. Miller and Nives Dolšak, "Issue Linkages in International Environmental Policy: The International Whaling Commission and Japanese Development Aid", *Global Environmental Politics* 2007, 7, 1, pp. 69-96; Anders Blok, "Contesting Global Norms: Politics of Identity in Japanese Pro-Whaling Countermobilization," *Global Environmental Politics* 2008, 8, 2, pp. 39-66; Jonathan R. Strand and John P. Tuman, "Foreign Aid and Voting Behavior in an International Organization: The Case of Japan and the International Whaling Commission," *Foreign Policy Analysis* 2012, 8, 4, pp. 409-430.

be homologous from state to state, especially the image of the modern state that has its origins in the fifteenth through seventeenth centuries in northwest Europe and came to encompass the entire globe in the last half of the twentieth century. Conversely, practices have tended to be diverse, and, while there are certainly recognizable comparative patterns, they have defied neat categorization.”⁹⁹ We can easily change the terms “image” and “practices” to formal and informal international institutions since the same logic applies in international society too. Lauren Maclean also criticizes the recent efforts highlighting the informal institutions in comparative politics for treating the interactions between the two as dichotomous, zero-sum relations rather than mutual transformations. She stresses explicitly that we should pay attention to the “complex and overlapping relationships between formal and informal institutions and how the distinctions may be blurred as they are experienced on the ground”.¹⁰⁰ In addition, we must view international society and the institutions within “as it becomes --- has become in the past, is becoming in the present, and may become in the future”.¹⁰¹

In summary, conventional wisdom considers state rules societies and the central dominates the periphery in domestic politics, while in international politics power is diffused and authority are multi-centric without a central government. This dichotomy omits society’s resistance against the state in domestic society on the one hand and neglects the hierarchical relations in international system on the other. These viewpoints are incomplete and misleading, as they overlook the mutual transformation and interaction between state and society in domestic politics, and international formal and informal institutions in international system. Moreover, as pointed out by Migdal and others, a processual and dynamic relational perspective between the formal and informal can to some degree achieve these efforts of integrating institutional analysis at various levels. As the relations between state and society are in a continuous process of change, the interaction of formal and informal institutions in international society is unsettled and changing with the evolution of institutions.

⁹⁹ Joel S. Migdal, *State in Society: Studying How States and Societies Transform and Constitute One Another*, New York: Cambridge University Press, 2001, p. 11.

¹⁰⁰ Lauren M. MacLean, *Informal Institutions and Citizenship in Rural Africa: Risk and Reciprocity in Ghana and Cote d’Ivoire*, p. 24.

¹⁰¹ Joel S. Migdal, *State in Society: Studying How States and Societies Transform and Constitute One Another*, p.23.

China, sovereignty and humanitarian intervention

The interaction of formal and informal international institutions is a continuing process of transformation. Formal international institutions are relatively stable yet are always facing the challenges posed by changing social relations and informal institutions. In essence, both the formal and informal institutions in international society are constantly becoming and transforming through their endless interactions. On the basis of this interpretive framework, can we get some new understanding on China's relations with international institutions? China's dynamic interactions with sovereignty institutions in international society will be discussed in this part in view of China's participation in peacekeeping operations and humanitarian interventions after the Cold War. This discussion will focus on the evolution of the Westphalian sovereignty and China's role in it.

Non-intervention is the synonym of the Westphalian sovereignty in international society where states are legally equal and autonomous. Article 2(1) of the United Nations Charter affirms that sovereignty equality of all member states and implicitly identifies with the non-intervention principle; Article 2(4) explicitly prohibits the use of force, with only two exceptions: the use of force in self-defense and the use of force pursuant to a Security Council-authorized enforcement action under Chapter VII of the Charter; Article 2(7) incorporates a principle of non-interference by prohibiting the United Nations from intervening "in matters which are essentially within the domestic jurisdiction of any state." Chapter VII is the only exception to the non-intervention principle that authorizes the Security Council to judge any situation to be "a threat to international peace and security" and take enforcement measures including the use of force.¹⁰² These legal regulations are treated as formal international institutions in this chapter. These formal rules of non-intervention have been violated frequently as Krasner lucidly illustrates, and states' borders are transgressed sometimes out of humanitarian considerations.¹⁰³ After the Cold War, the great transformation of the international system brought forth many domestic human rights disasters from those in Rwanda, to East Timor and Libya. The international community is

¹⁰² Jonathan E. Davis, "From Ideology to Pragmatism: China's Position on Humanitarian Intervention in the Post-Cold War Era," *Vanderbilt Journal of Transnational Law* 2011, 44, 2, pp. 217-283.

¹⁰³ Stephen D. Krasner, *Sovereignty: Organized Hypocrisy*.

divided around the ethical and political aspects of humanitarian intervention.¹⁰⁴ And humanitarian intervention's legal status stirs great controversies and contradictions within the global public domains, from the Security Council, the General Assembly, and regional organizations to domestic and transnational nongovernmental organizations.¹⁰⁵ Humanitarian intervention can be defined as "the use of force by a state (or groups of states) in another sovereignty state's territory to protect the host state's citizens from gross human rights abuses, mass atrocities, crime against humanity, or genocide".¹⁰⁶ Of course, the international normative structures of humanitarian intervention itself has undergone great transformations in history, but since the enactment of the United Nations the principle of non-intervention has become the formal institution in international society.¹⁰⁷

Since its foundation in 1949, the People's Republic of China has steadfastly guarded its sovereignty and stuck to the non-intervention principle. Non-intervention and respect for sovereignty in the "Five Principles of Peaceful Coexistence" are China's guidelines of interstate relations identified in the 1950s; they are still enshrined in the Constitution. Except for its support for wars of national liberation and condemnation of racist regimes, China adhered resolutely to non-intervention policy during the Cold War. Since its admission into the United Nations in 1971 and the implementation of reform and opening-up policy in 1979, China's perception of sovereignty and non-intervention has changed.¹⁰⁸ This is reflected in its participation in United Nations peacekeeping operations. From outright condemnation before 1971, to opposition and non-participation from 1971 to 1980, to limited support from 1981 to 1987, to a rising profile from 1988 to 2000, to active participation since the new millennium,

¹⁰⁴ J. L. Holzgrefe and Robert O. Keohane eds., *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, Cambridge, UK: Cambridge University Press, 2003; Jennifer M. Welsh, ed., *Humanitarian Intervention and International Relations*, Oxford, UK: Oxford University Press, 2004; Michael N. Barnett, *The International Humanitarian Order*, London and New York: Routledge, 2010.

¹⁰⁵ Ian Hurd, "Is Humanitarian Intervention Legal? The Rule of Law in an Incoherent World."

¹⁰⁶ Jonathan E. Davis, "From Ideology to Pragmatism: China's Position on Humanitarian Intervention in the Post-Cold War Era," p. 221.

¹⁰⁷ Martha Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force*, Ithaca, NY: Cornell University Press, 2003; Samuel J. Barkin and Bruce Cronin, "The State and the Nation: Changing Norms and the Rules of Sovereignty in International Relations", *International Organization* 1994, 48, 1, pp. 107-30; Jonathan E. Davis, "From Ideology to Pragmatism: China's Position on Humanitarian Intervention in the Post-Cold War Era."

¹⁰⁸ Allen Carlson, "Helping to Keep the Peace (Albeit Reluctantly): China's Recent Stance on Sovereignty and Multilateral Intervention," *Pacific Affairs* 2004, 77, 1, pp. 9-27; Pang, Zhongying, "China's Non-Intervention Question", *Global Responsibility to Protect* 2009, 1, pp. 237-252; Chan, Lai-ha, Gerald Chan and Fung Kwan eds., *China at 60: Global-Local Interactions*, Singapore: World Scientific, 2011; Jonathan E. Davis, "From Ideology to Pragmatism: China's Position on Humanitarian Intervention in the Post-Cold War Era."

China's relations with peacekeeping operations is to a great extent related to its changing views toward sovereignty institution and intervention principle.¹⁰⁹ How can we explain China's changing role in peacekeeping operations and humanitarian intervention?

China's policy transition can be seen from various angles. The International Crisis Group argues that China's policy shifting towards peacekeeping is driven by five motivations: the promotion of a multilateral agenda, as the image as a responsible power, operational benefits, the protection of Chinese interests abroad, and the one-China policy. These motivations mix material interests and normative ingredients.¹¹⁰ In a recent review of China's sixty years' foreign policy, Gerald Chan provides three reasons for China's changing attitude and policy towards sovereignty. These three reasons can be divided into two categories; two from sociological institutionalism perspective while the other one from a rational choice angle. From the point of view of rational choice institutionalism, China's growing interest in peacekeeping can be explained from the pursuit of national interest, especially some practical material interests. "China can practise reaching out to the wider world militarily as well as politically and economically, thereby helping to protect and promote its national interests."¹¹¹ This under-socialized explanation is *ad hoc* and sometimes inaccurate. China's strategic calculations and interest maximization are justified and assumed as securing natural resources, insisting on the "one China" policy or expanding sphere of influence and other realistic considerations.¹¹² But these explanations are not complete in reflecting China's institutional choice in its peacekeeping participation. Take China's policy towards Sudan as a case, Pak K. Lee, Gerald Chan and Lai-Ha Chan argue that oil security is one factor, but definitely not the

¹⁰⁹ Bates Gill and James Reilly, "Sovereignty, Intervention and Peacekeeping: The View from Beijing," *Survival* 2000, 42, 3, pp. 41-59; He Yin, *China's Changing Policy on UN Peacekeeping Operations*, Institute for Security and Development Policy, 2007 <<http://www.silkroadstudies.org/new/docs/Silkroadpapers/2007/YinHe0409073.pdf>> (Accessed 15th July 2013); Pang Zhongying, "China's Changing Attitude to UN Peacekeeping," *International Peacekeeping* 2005, 12, 1, pp. 87-104; Stefan Stahle, "China's Shifting Attitude towards United Nations Peacekeeping Operations," *China Quarterly* 2008, 195, pp. 631-655; Bates Gill and Huang Chin-hao, "China's Expanding Role in Peacekeeping: Prospects and Policy Implications," *SIPRI Policy Paper no. 25*, SIPRI: Stockholm, 2009; International Crisis Group, "China's Growing Role in UN Peacekeeping," *Asia Report 166*, 2009 <http://www.crisisgroup.org/~media/Files/asia/north-east-asia/166_chinas_growing_role_in_un_peacekeeping.pdf> (Accessed 18th October 2013); Miwa Hirono and Marc Lanteigne, "Introduction: China and UN Peacekeeping, *International Peacekeeping*" *International Peacekeeping* 2011, 18, 3, pp.243-256.

¹¹⁰ International Crisis Group, "China's Growing Role in UN Peacekeeping."

¹¹¹ Gerald Chan and Fung Kwan eds., *China at 60: Global-Local Interactions*, p. 18.

¹¹² Li Chien-pin, "Norm Entrepreneur or Interest Maximiser? China's Participation in UN Peacekeeping Operations, 2001-2010," p. 315.

sole factor that determines China's foreign policy there. Sudan is only a medium-sized oil producer. It is excessively costly for China to fully back up the Sudan regime, from political and commercial perspectives. Also China could have supported other countries like Libya if it is only concerned about the acquiring of oil. Therefore, there must be something more than material interests to explain China's institutional behavior.¹¹³ And here we find the over-socialized explanation of China's reaction towards peacekeeping, and essentially towards sovereignty institution.

From a sociological institutionalist viewpoint, "China has learned through international exposure and experience that peacekeeping activities have become a service in increasing demand, especially since the end of the Cold War with many serious outbreaks of intrastate conflicts." "China will be seen in a positive light as a responsible power fulfilling its obligations as a permanent member of the United Nations Security Council, thereby enhancing its international image."¹¹⁴ Jing Chen explains China's changing attitude towards peacekeeping exactly from this perspective. According to Chen, "China's attitude toward UN peacekeeping operations changed as a result of the change in the international norm from prioritizing sovereignty to prioritizing human rights and the diffusion of norm of human rights into China."¹¹⁵ The internalization of international norms can be seen through a variety of agents' behaviors such as foreign policy elites and two special groups of PLA officers. But this explanation is too general and abstract to interpret China's complicated institutional choice in international peacekeeping. On one hand, China's stance in sovereignty and human rights is different from Western countries' understanding, although China has been exposed to the changing international human rights norms. On the other, China's position in sovereignty and intervention is not that absolute and inflexible as the conventional wisdom suggests. Conventional views that regards China as the fortress of Westphalia sovereignty is overly simplistic and overlooks China's willingness and active support for multilateral interventions, although these have to happen under some conditions.¹¹⁶ "China is in the midst

¹¹³ Pak K. Lee, Gerald Chan and Lai-Ha Chan, "China in Darfur: Humanitarian Rule-maker or Rule-taker?"

¹¹⁴ Gerald Chan and Fung Kwan eds., *China at 60: Global-Local Interactions*, p. 18.

¹¹⁵ Chen Jing, "Explaining the Change in China's Attitude toward UN Peacekeeping: A Norm Change Perspective," *Journal of Contemporary China* 2009, 18, 58, p. 169.

¹¹⁶ Allen Carlson, "Helping to Keep the Peace (Albeit Reluctantly): China's Recent Stance on Sovereignty and Multilateral Intervention;" Jonathan E. Davis, "From Ideology to Pragmatism: China's Position on Humanitarian Intervention in the Post-Cold War Era."

of transition from a strict, traditional interpretation of non-interference to a limited, conditional one.”¹¹⁷

Whether and under what conditions China supports intervention that relatively breaks through Westphalia sovereignty becomes a pivotal question. Several empirical and conceptual studies provide important clues. Allen Carlson argues that the conventional wisdom about Chinese intransigence on intervention and sovereignty is inaccurate. Although China still holds a relatively static interpretation of sovereignty and opposes intervention in principle, China’s stance on these transnational problems is undergoing subtle changes. China’s stance on intervention has been framed by an evolving set of four guidelines and rules, namely, the respect of sovereignty, UN authorization, invitation of the target state, and force can only be used when all other options have proved ineffective.¹¹⁸ Echoes can be found in Pak K. Lee, Gerald Chan and Lai-Ha Chan’s recent empirical study on China’s rule making behaviour in Darfur. They illustrate that China might set a precedent on humanitarian intervention through its promotion of a new rule in this issue area, in view of the West’s lack of political will to resolve the problem. “Conditional intervention” as a new Chinese approach to conflict resolution in the making, a condition that has to be satisfied at three levels: the host country at the national level, a pertinent international organization at the regional level, and the UN at the global level.¹¹⁹

Jonathan E. Davis’s systematic research on China’s state practice and official pronouncements after the Cold War also demonstrates that China’s attitude towards humanitarian intervention is flexible and that China is neither a simple Westphalia sovereignty defender nor a Western intervention supporter. After examining seven cases in the 1990s (the northern and southern no-fly zones over Iraq after the first Gulf War, Somalia, Haiti, Rwanda, Bosnia, Kosovo and East Timor) and China’s position on the “Responsibility to Protect” and the Darfur crisis in the new millennium, Davis concludes that while China still champions a strong conception of sovereignty and non-intervention, it is willing to acquiesce in, and even actively support multilateral humanitarian interventions that obtain

¹¹⁷ Gerald Chan and Fung Kwan eds., *China at 60: Global-Local Interactions*, p. 23.

¹¹⁸ Allen Carlson, “*Helping to Keep the Peace (Albeit Reluctantly): China’s Recent Stance on Sovereignty and Multilateral Intervention.*”

¹¹⁹ Pak K. Lee, Gerald Chan and Lai-Ha Chan, “*China in Darfur: Humanitarian Rule-maker or Rule-taker?*”

both Security Council authorization and target state consent.¹²⁰ In a recent review of China's non-interference policy, Yaling Pan also emphasizes China's flexibility in the practice of this principle. According to Pan, China's non-interference diplomacy has undergone four phases: defensive advocacy from 1950s to 1970s, keeping neutral in the 1980s and 1990s, constructive mediation in the first decade of the 21st century, and now an emerging new approach of participatory advocacy¹²¹. From all the above contributions on the theory and practice of China's changing position on sovereignty and non-intervention, we can conclude that China is both a rule-taker and a rule-maker, instead of a simple interest maximizer or passive norm learner. In fact, China's behavior in peacekeeping operations is to some degree coordinated with that of other major powers in the Security Council. Yet its engagement with peacekeeping operations and humanitarian interventions will surely bring new dynamics to the process due to its unique historical experience with the accumulation of power.¹²²

The above empirical studies show that we should not be trapped in the existing vision of rational choice and sociological institutionalism in order to understand China's institutional behavior. This is not to deny that geographical interests and international norms are irrelevant in explaining China's institutional selection and its' influence in institutional evolution, as these factors might play a part in various degrees under different social contexts. On the whole, however, they both ignore China's agency within institutions. China's institutional behavior is given and exogenous according to these conventional explanations. China might follow the logic of consequences or appropriateness or both but these logics are given as theoretical assumptions instead of reasoning from realistic social relations and practices in context. Similar contents like UN authorization and target state conditions are listed as the flexible position China is promoting in its policy towards humanitarian intervention. This chapter argues that these guidelines and norms supported by China and other states can be treated as an informal institution that China advocates in facing the formal Westphalia sovereignty and emerging informal humanitarian intervention institutions proposed by the Western world.

¹²⁰ Jonathan E. Davis, "From Ideology to Pragmatism: China's Position on Humanitarian Intervention in the Post-Cold War Era."

¹²¹ Pan Yaling (潘亚玲), "从捍卫式倡导到参与式倡导: 试析中国互不干预内政外交的新发展 (China's Non-Interference Diplomacy: From Defensive Advocacy to Participatory Advocacy)," *世界经济与政治 (World Economics and Politics)* 2012, 9, pp. 45-57.

¹²² Li Chien-pin, "Norm Entrepreneur or Interest Maximiser? China's Participation in UN Peacekeeping Operations, 2001-2010."

By bringing in informal institutions with Chinese characteristics on “conditional intervention”, we can better understand China’s role in the evolution of formal sovereignty institutions in international society in contrast to the humanitarian intervention norm initiating by US and other Western countries. Only through the interaction of the formal and informal institutions backed by different groups of countries can we comprehend China’s institutional behavior and institutional change in the international system. Chinese and other emerging powers’ preferences will be put into existing international normative structures gradually following the power shift in the international system. Apart from the illustration of how formal and informal international institutions interact as discussed above, an important question at another level is to clarify the driving force of their dynamic interactions, namely social relations. Basically, vertical coercion relations and horizontal trust relations are two important variables that determine the interactive trajectories of formal and informal institutions.¹²³ To take China’s attitude towards sovereignty as an example, China will be more confident and comfortable in building international peacekeeping institutions with Chinese characteristics if it can gain a favorable position in global power comparison and invest more in social capital in international society.

Conclusion

Chinese society under great transition is regarded as the perfect laboratory to study institutional change. This society is known for social relations or social networks as informal rules that interact with state regulations as formal rules.¹²⁴ Can the logic of social relations in domestic Chinese society be applied to explain its international institutional behavior by analogy?¹²⁵ This chapter argues that we can better understand China’s institutional choice and role in institutional evolution in international society by bringing in international informal

¹²³ Mark Granovetter, “A Theoretical Agenda for Economic Sociology”, in Mauro Guillen, Randall Collins, Paula England and Marshall Meyer eds., *The New Economic Sociology: Developments in An Emerging Field*, 2002, pp. 35-59, New York: Russell Sage Foundation.

¹²⁴ Thomas Gold and Doug Guthrie and David Wank eds., *Social Connections in China: Institutions, Culture, and the Changing Nature of Guanxi*, New York: Cambridge University Press, 2002.

¹²⁵ Kellee S. Tsai, “Adaptive Informal Institutions and Endogenous Institutional Change in China”, *World Politics* 2006, 59, 1, pp. 116-141; Lily L. Tsai, *Accountability Without Democracy: Solidary Groups and Public Goods Provision in Rural China*, New York: Cambridge University Press, 2007.

institutions and their interactive dynamics with formal international rules. China's institutional choice in international system cannot be explained solely by rational choice or sociological institutionalism. Although interest analysis and international formal normative structures cannot be overlooked as factors that affect China's institutional choice, informal institutions and their mutual transformational dynamics with formal institutions also cannot be omitted to probe into China's complicated international institutional behavior.

The exploration and differentiation of both formal and informal institutions can overcome the comparative static status of the current international institutional analysis. Following this logic, some new general understanding on compliance and institutional change can also be gained besides its application to China's institutional choice in the international society. Revolved around formal international institutions, multiple international informal institutions exist that challenge or complement the formal rules. Although we treat formal institutions as the principal legal authority in international system, the functioning of informal international institutions cannot be ignored. If villagers can realize social order with the help of social norms under the background of formal laws, states can also maintain order and social control through international informal institutions. In fact, order is often kept under a system of social control that includes both formal and informal institutions. If this is the case, then compliance might not be the right question to ask. States seldom interact within one set of rules, and they may violate a rule in the name of the compliance with another rule. Therefore whose rule to follow in international society becomes an important practical question that requires careful normative considerations, and this is even more so with the rise of China and other emerging powers.

International institutions are always under pressure to change following the mutual transformational tensions between formal and informal institutions in international society. Dynamic social relations are the driving forces of the interaction between formal and informal institutions. Informal institutions become formal ones under some conditions, and formal institutions again face the challenges from new informal institutions in recursive processes. Consequently, all institutions are always in processes of becoming, and their fluid traits bring them vitality and life circles. Only through the understanding of these dynamic

processes can China's institutional behavior and its influence to the evolution of international institutions be explained.

CHAPTER 2 INTERNATIONAL INSTITUTIONAL DIVERGENCE: ORIGINS AND FORMS

Are international institutions such as sovereignty only “organized hypocrisy”?¹²⁶ Although institutions have a close relationship with power, these two variables are essentially concepts at different levels. Institutions cannot escape the interference of power politics, and they are influenced by other variables, such as interest, trust and legitimacy. Institutions are social structures that are made of collective ideas in human societies, while power is just one among many driving forces that propel their structural change and evolution. International institutions are challenged by other organized ideational structures, but if their competitors are sporadic without a collective action mechanism, institutions will prove resilient instead of fragile structures. And indeed in reality we can find institutions with various adaptability and strengths. If an institution is seen as a given, and its rivals are disorganized, then its life will be much easier. On the other hand, even if we believe that some institutions in international society are rather weak, we still cannot deny the fact the institutions matter because what weakens these institutions are in fact institutions with other origins. Therefore, while we have to admit that some institutions really are so weak that they can be treated as hypocritical, we should acknowledge that institutions as a system are very strong and resilient because one institution’s vulnerability is simply indicates the power of another. We should pay attention to the geographical and temporal divergence of international institutions, and only between and among institutions can we really perceive their effects. Without the support from even weak institutions, power would struggle for direction and human society itself would be endangered.

How do new “organized hypocrisies” get organized to challenge the existing ones? Institutions, due to their “hypocrisy,” exist in plural forms at all times. And this is indeed the exact reason for considering some institutions as “hypocritical.” Moreover, human society maintains its order through multiple institutions working together “hypocritically” to gain some certainties at the cost of accompanying uncertainties. Like domestic politics, international political life is also organized by institutions and governed by the same structural forces. People have to live in between hypocritical institutions throughout their

¹²⁶ Stephen D. Krasner, *Sovereignty: Organized Hypocrisy*, Princeton: Princeton University Press, 1999.

lives. And it is only in these institutional cracks that people perceive some degree of uncertainty in their regular interactions. On the other hand, flexibility also exists in social exchanges to adapt to the complicated society that is always changing.

That institutions matter may be a self-evident fact even in an international system which is regarded as anarchic. However, the roles of international institutions have only begun to be acknowledged in mainstream international relations theories since the 1970s.¹²⁷ Related concepts such as international norm or international regime also began to emerge around the same time.¹²⁸ With the institutional turn throughout social sciences, institutional analysis may be today the lowest common denominator in all disciplines.¹²⁹ Institutional analysis at the international level is also proliferating, with various paradigms and approaches adopted to study how the world can be organized effectively and legitimately.¹³⁰ Against the background of America's possible decline in the 1970s, demands for international institutions and the functional theory of international institutions were put forward.¹³¹ This thesis argues that even if the hegemonic state in international system is in retreat, the institutions it has established will continue to function because states require and desire international order and cooperation provided through the medium of international institutions. International institutions were built to alleviate international market failure and collective action problems, and increase efficiency and welfare through international cooperation. In contrast to the realist idea that international institutions are at best only intervening variables in international system,¹³² liberal institutionalism and constructivism in the 1980s and 1990s tried to prove

¹²⁷ Maybe that is due to the Cold War's great shadow when the discipline of International Relations started to grow systematically after the Second World War.

¹²⁸ Stephen D. Krasner ed., *International Regimes*, Ithaca, NY: Cornell University Press, 1983; Robert O. Keohane, *International Institutions and State Power: Essays in International Theory*, Boulder: Westview Press, 1989; Peter J. Katzenstein, ed., *The Culture of National Security*, New York: Columbia University Press, 1996; Andreas Hasenclever, Peter Mayer and Volker Rittberger, *Theories of International Regimes*, Cambridge, UK: Cambridge University Press, 1997; Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 1998, 52, 4, pp. 887-918; Barbara Koremenos, Charles Lipson and Duncan Snidal, "The Rational Design of International Institutions," *International Organization* 2001, 55, 4, pp. 761-99; Jeffrey T. Checkel, "International Institutions and Socialization in Europe: Introduction and Framework," *International Organization* 2005, 59, 4, pp. 801-26.

¹²⁹ Tang Shiping, *A General Theory of Institutional Change*, London and New York: Routledge, 2011.

¹³⁰ Orfeo Fioretos, "Historical Institutionalism in International Relations," *International Organization* 2011, 65, 2, pp. 367-399.

¹³¹ Robert Keohane, *After Hegemony*.

¹³² Stephen D. Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables," in Stephen Krasner ed., *International Regimes*, Ithaca: Cornell University Press, pp. 1-21, 1983.

international institutions matter through theoretical and empirical demonstrations.¹³³ In the 21st century, international institutional analysis has gained legitimate status and is now part of the research agendas of liberal institutionalism and constructivism.

In this increasingly interdependent world, the governing of numerous global public problems requires more international institutions to be built and existing ones to be reformed. On the other hand, international treaties and agreements and other forms of international law have covered all domains of exchanges in human society at various levels and have become dense and interwoven following the legalization and institutionalization of world politics. Therefore, in today's world political organization we do not have enough international institutions that are effective enough to solve global issues while at the same time institutions are spreading into all levels and spaces of human activity¹³⁴ and providing room for actors to choose particular institutional arrangements either voluntarily or under duress. Before globalization, people living in local spaces used social norms and domestic laws to govern their daily interactions. In these global, interdependent times, innumerable international institutions and norms have proliferated in dynamic transnational spaces. These mix with institutions from domestic, regional and other levels and are gradually making the borders of social institutions blurred and porous. People cannot live without institutions, but when we live with various institutions with multiple and multilevel origins, different challenges and opportunities emerge.

Why do international institutions matter?

After the Cold War, human civilization arguably reached its highest level since the dawn of history with the rapid advancement of science and technology as a result of globalization. However, traditional military security problems and domestic violence still haunt many regions and states around the globe. Moreover, numerous non-traditional transnational threats

¹³³ Peter J. Katzenstein, Robert O. Keohane and Stephen D. Krasner eds., *Exploration and Contestation in the Study of World Politics*, Cambridge, MA: the MIT Press, 1999.

¹³⁴ Even in spaces like outer space or deep sea where human being have no capacities to explore today, international institutions and laws are made and states contest fiercely on the arrangements.

are spreading globally, from the global financial crisis, climate change, and public health scares. The deepening and extending of international exchanges is stretching the existing international institutional system along the efficiency and legitimacy dimensions, which makes them controversial and contentious to an unparalleled degree. World politics is becoming more and more legalized and institutionalized, but the established institutions are often ineffective and unauthoritative in the face of the multilevel, multifaceted and interconnected global public problems. This the situation in 21st century world political organization: states, together with many other non-state actors, have built the most extensive and resilient international institutions in human history, but in order to update the organization and collective action mechanisms to a higher level and standard, more international institutions need to be developed and many of the existing ones reformed.¹³⁵

International laws and norms only become crucially necessary in human interactions once people start to cross state borders and circulate the globe. Even war and conflict have to be conducted within certain rules and conventions. Realism, as the fundamental theory in international relations, regards institutions as epiphenomena without ontological importance in international cooperation and conflict. Institutions matter in the international system only in that they are tools of the great powers and are defined and manipulated by them.¹³⁶ Neo-realism, the most influential variant of realism emerged in late 1970s, some years before liberal institutionalism. In contrast to a reductive theory that focuses on domestic politics and comparative foreign policy analysis, neo-realism is an international structural theory that is greatly influenced by market theory. It uses power distributions, military power especially, as the key structural variable to explain a state's alliance and balance behaviours in an anarchic international system.¹³⁷ The international system may seem too primitive and crude in Waltz's theory, but his approach is nevertheless simple and elegant in its economic

¹³⁵ Also a pivotal task is to manage well the relations between existing and emerging international institutions, apart from these conventional appeals, as will be discussed in this thesis. We need a theory or some theoretical frameworks to understand the space and time between and among international institutions, both positively and normatively.

¹³⁶ Stephen D. Krasner, "Global Communications and National Power: Life on the Pareto Frontier," *World Politics* 1991, 43, 3, pp. 336–66.

¹³⁷ This thesis also follows neo-realism' logic by treating states as the basic unit of analysis, focusing on international structural features and making many omissions. Though my international structural analysis is different from neo-realism's, my following-suit shows the power and attractiveness of a paradigm. However, this power is definitely not just something hard and material, as neo-realism emphasizes.

deductions.¹³⁸ Like a company existing in a market, the state as the basic unit in the international political market cooperates or conflicts with others for national interest (the security or hegemony of different states). Like an invisible hand working in the market, a balance mechanism operates in the international system that dominates states' strategic behaviours. States build capabilities domestically and alliances internationally under these international structural pressures. But if there is no "visible hand" of organization and management, besides some sustaining regulations and rules, the market itself cannot operate at all. Criminality and aggression among actors in the market will ruin the daily exchanges. Following this logic, even if we assume that the international system is anarchic and international society dysfunctional, without certain strategic cultures and institutional support, conflict among states would be much greater.¹³⁹

The English School is an international relations paradigm that holds that the international system is not only mechanical combinations of sovereign states and that it cannot be fully comprehended by merely comparing states' military and power capabilities.¹⁴⁰ The international system is the largest social organization geographically of all categories of human society, and its member states gradually develop a series of rules and norms on their cooperation and competition. These institutions then become the common knowledge that can help reduce uncertainties and support the ritual exchanges among states. The English School discovered that institutions matter in international society without providing the exact mechanism of their functioning. Liberal institutionalism, on the other hand, put forward a functional theory of international institutions by applying many ideas from neo-institutional economics. Robert Keohane argues that states may not find a cooperation solution even if they have common interests.¹⁴¹ States are not living in a pure state of nature because on many occasions they sign cooperative agreements. But they also are not surviving in a harmonious condition where they can reach cooperation automatically without changing their behaviours at all. Instead, states need to make mutual adjustments to satisfy the requirements of each other. In this context of mutual adjustment, they are acting as if they are prisoners in the Prisoner's Dilemma. Lacks of communication and information exchange make the optimal

¹³⁸ Kenneth N. Waltz, *Theory of International Politics*, Reading, Mass: Addison-Wesley, 1979.

¹³⁹ Alliance, one of the core concepts in realism theories, is actually a vivid example of international institutional arrangement.

¹⁴⁰ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, London: Macmillan, 1977.

¹⁴¹ Robert Keohane, *After Hegemony*.

strategy mutual cheating. Where information is scarce, international institutions can act as a third party and can provide common knowledge to relevant actors. Through the medium of institutions, states can cooperate without trust because institutions can be the guarantor that can verify actors' commitments.¹⁴² Moreover, the Prisoner's Dilemma is not the only game that states play in their interactions. In games like Chicken or the Battle of the Sexes where states need to reach an institutional equilibrium in order to coordinate their distributions of interests, international institutions also can play the role of a focal point for their collective action.¹⁴³

Although international institutions are usually not regarded as authoritative and as sovereign as various organizations and institutions in domestic society, and in many cases depend on domestic actors' voluntary self-enforcement,¹⁴⁴ logically they are just acting like companies in the market, as argued by Ronald Coase,¹⁴⁵ and institutions can define property rights, control violence and maintain social order as a third party.¹⁴⁶ State and company, or the classical Leviathan, are all metaphors that internalize transaction costs into some sort of hierarchical organization to reduce the huge uncertainties and costs that may occur in both the economic and political markets. International institutions, as hierarchical organizations on a different level, in the same way reduce the transaction costs of searching, bargaining or committing and many other uncertainties in the international political "market". They are the lubricants for international cooperation that can in some sense substitute for trust. Keohane builds his functional theory of international institutions on neo-realism's assumptions and acknowledges that power cannot be ignored in the international political market. Following this logic, he suggests that international institutions usually are built by hegemonic states; however, once they are set up, they gain their own autonomy. The cost of maintaining an institution is smaller than building a new one. Thus even if hegemonic states are in a process of decline, the inertia embedded within international institutions will still preserve their

¹⁴² Karen S. Cook, Russell Hardin and Margaret Levi eds., *Cooperation without Trust?* New York: Russell Sage Foundation, 2005.

¹⁴³ Arthur A. Stein, "Coordination and Collaboration: Regimes in an Anarchic World," in *International Regimes*, edited by Stephen D. Krasner, Ithaca, N.Y.: Cornell University Press, pp. 115–40, 1983; Lisa L. Martin, "Interests, Power, and Multilateralism," *International Organization* 1992, 46, 4, pp. 765–792.

¹⁴⁴ Xinyuan Dai, *International Institutions and National Policies*, New York: Cambridge University Press, 2007.

¹⁴⁵ R. H. Coase, "The nature of the firm," *Economica* Nov. 1937, 4, 16, pp. 386–405.

¹⁴⁶ Douglass C. North, John Joseph Wallis and Barry R. Weingast, *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History*, New York: Cambridge University Press, 2012.

vitality, which is constructive for international cooperation and order.¹⁴⁷ This line of argument is the orthodox theoretical explanation of international institutions that originated from neo-institutional economics. Ronald Coase, Douglass North, Oliver Williamson and other scholars from this new research agenda which pays attention to concepts like transaction costs, property rights, contracts, institutions and governance in economics are the founding fathers of this functional explanation of institutional arrangements.¹⁴⁸ Through Keohane's and later scholars' work, the notions that international institutions can reduce transaction costs, solve collective action problems, and govern international market failure gradually gained momentum and legitimacy in international relations theories. Recently, Barbara Koremenos, Charles Lipson and Duncan Snidal's publication on the "Rational Design of International Institutions" has furthered this research mechanism. They illustrate that states can design various international institutions rationally to solve collective action problems within different environments that are full of uncertainties.¹⁴⁹

Realists believe that the efficiency logic of international institutions from an economic perspective does not pay enough attention to the power relations in institutional arrangements in the international system.¹⁵⁰ This is actually not an omission, but a necessary choice to demonstrate a progressive paradigm that brings in something constructive and fresh into international politics. After all, power politics would run rampant without institutions' constraints; and if states can use institutions smartly, they can project their power in a more effective manner. As a matter of fact, the boundary between power and institutions is blurred, even though they function with apparently different logics. Realist's criticisms of liberal institutionalism can be divided by their levels of acceptance of institutions in the international system. The radical critics regard international institutions as only mere appendages of national interest and power, without an independent status in international strategic interactions.¹⁵¹ Institutions are only the guise for power politics and they are of little consequence. The fundamental flaw in this logic is that it cannot provide a reasonable

¹⁴⁷ Robert Keohane, *After Hegemony*.

¹⁴⁸ Douglass C. North, *Institutions, Institutional Change and Economic Performance*, New York: Cambridge University Press, 1990; Oliver E. Williamson, *The Economics of Governance*, New York: Oxford University Press, 1999.

¹⁴⁹ Barbara Koremenos, Charles Lipson and Duncan Snidal, "The Rational Design of International Institutions," *International Organization* 2001, 55, 4, pp. 761–99.

¹⁵⁰ Edward H. Carr, *The Twenty Year's Crisis*, New York: Harper Torchbooks, 1939.

¹⁵¹ John. Mearsheimer, "The False Promise of International Institutions," *International Security* 1994–1995, 19, 3, pp. 5–26.

explanation for states' efforts in building and maintaining international institutions. If institutions are of no use, why do states design them which will cost a lot of resources? Other critics of liberal institutionalism admits institutions' role in international politics, though to a limited degree. These espouse a modified form of realism,¹⁵² and from another point of view it is also a modified form of liberal institutionalism. It admits that international institutions are instrumental and constructive in international cooperation. Between power and international politics outcomes, international institutions are important mediating variables.¹⁵³ Unlike liberal institutionalism which follows an economic logic that emphasizes institutions' functions in mitigating market failure and promoting collective action, realism is concerned much about power's intrusion into the operation of international institutions. Even though institutions can serve common interests, states with more power capabilities usually achieve more relative gains through bargaining, and cause the institutional equilibrium to be as near their preferences as possible.¹⁵⁴ Strong powers even can build international institutions and change the rules of international interactions to gain more profit. In this case, although weak states prefer to maintain the status quo instead of joining in institutional arrangements, they often have to participate or else they will lose more being outside of an exclusive zone of regulations.¹⁵⁵ This modified realism to some extent takes institutions seriously and acknowledges their effects in reducing costs of governance and rule. By inserting power analysis into the operations of international institutions, it evaluates more truly and accurately one important facet of the functioning of institutions in international society. This is a necessary amendment of the economic logic in institutional analysis from the perspective of international political logic, though this modification involves its own costs.¹⁵⁶

¹⁵² Stephen D. Krasner, *Structural Conflict: The Third World Against Global Liberalism*, Berkeley: University of California Press, 1985.

¹⁵³ Stephen D. Krasner, "Regimes and the Limits of Realism: Regimes as Autonomous Variable," in Stephen Krasner ed., *International Regimes*, Ithaca: Cornell University Press, pp. 355-368, 1983.

¹⁵⁴ Stephen D. Krasner, *Global Communications and National Power: Life on the Pareto Frontier*.

¹⁵⁵ Lloyd Gruber, *Ruling the World: Power Politics and the Rise of Supranational Institutions*. Princeton: Princeton University Press, 2000.

¹⁵⁶ This is an application of power analysis that is conventional for international politics. But from a point of formal logic, this deduction in fact dispels the ontological status of international institutions and kills the leviathan at the international level. This is a normative theory based on a circular and regressive worldview. In this way of argumentation, international institutions are treated in essence as power politics' slaves with no agency themselves. The rejection of international institution's autonomy is accordingly a rejection that international society can be organized with international law, and a refusal that international order can evolve and develop from anarchy to governance, to democracy step by step.

Constructivism, meanwhile, takes a holistic approach like the English School, one that is in sharp contrast to neo-realism and liberal institutionalism's methodology of individualism.¹⁵⁷ It observes international society from a collective and structural angle. The anarchic international system which is a basic presumption for neo-realism and liberal institutionalism has to be held together by inter-subjective rules that are developed through states' social practice.¹⁵⁸ This means that there may be more than one type of anarchic society. The possible pattern of international society is determined by the style of international rule that sustains it. International institutions as principles and norms serving states' daily exchanges are not only regulative, which can instrumentally help international cooperation, they are also constitutive and shape states' preferences, transform actors' interests, and constitute states' identity. States as agents in international society can get socialized into international institutions and norms through their everyday life and exchange with each other.¹⁵⁹ The proper rules of acting in society at the international level will be internalized and after that states as a member of that society will conduct their interactions based on the rules' prescriptions.

If the paradigms of neo-realism and liberal institutionalism, with their theoretical core of rationalism regarding international institutions, were created with the aim of transaction costs reduction and efficiency improvement,¹⁶⁰ constructivism has a sociological flavour embedded in its research questions that address stages both before and after the international institutional design investigated by rationalists. Prior to the rational design of international institutions, constructivism is interested in the origins of national institutional preferences. There are many proposals for states' cooperation via international institutions, so why do states choose one solution over the others? Though rationalists argue that power or common interests may play decisive roles in this process of institutional selection, what national interest is and how power is used are socially constituted and this cannot be assumed away. On the other hand, constructivism also tries to explain how international institutions are

¹⁵⁷ Alexander Wendt, *Social Theory of International Politics*, Cambridge, U.K.: Cambridge University Press, 1999.

¹⁵⁸ John Gerard Ruggie, "What Makes the World Hang Together? Neo-Utilitarianism and the Social Constructivist Challenge," *International Organization* 1998, 52, 4, pp. 855–886.

¹⁵⁹ Martha Finnemore, *National Interests in International Society*, Ithaca, NY: Cornell University Press, 1996.

¹⁶⁰ Though they have disagreements on whose interests are indeed represented in international institutions which is related to their dialogue on relative and absolute gains. See David A. Baldwin ed., *Neorealism and Neoliberalism: The Contemporary Debate*, New York: Columbia University Press, 1993.

transmitted and internalized after they have come into existence. From a structural point of view, it focuses on the mechanisms of how international institutions are working around the globe. Why states comply with international institutions is a key research agenda that constructivism probes. And it is exactly on the question of how international institutions matter in international society that liberal institutionalism and constructivism find their commonality. Before the idea that international institutions matter achieved legitimate status in international studies, liberal institutionalism and constructivism, from individualist and collectivist positions respectively, had argued that institutions matter in international political life as they do in domestic politics because of their instrumental (efficiency) and normative (legitimacy) values. Together they include the non-material variables like ideas, identities, norms and institutions that are neglected in the realist paradigm. After confirming the value of international institutions in international cooperation and governance, liberal institutionalism and constructivism have jointly explored the mechanisms of institutional effects and states' compliance in international society, and a confluence of theoretical orientations is now happening in international relations theories.

Whose international institutions matter?

Managing a just and efficient relation between the individual and the group is the core task of organization in human society. If an improper relation exists, individual rationality will in many cases cause collective irrationality. The tragedy of the commons and the Prisoner's Dilemma are lively metaphors that show the obstacles to collective action and cooperation in human society.¹⁶¹ The same difficulties in cooperation exist in international political life, too. The distributions of obligations in the North Atlantic Treaty Organization (NATO), the uncertain future of the World Trade Organization (WTO) Doha Round negotiations, and the impasse between whaling and anti-whaling states in the International Whaling Commission (IWC) are vivid examples of collective action difficulties in the international system. Though facing great challenges, international institutions and organizations to a certain extent mitigate the difficulties of international cooperation and provide a platform for international

¹⁶¹ Garrett Hardin, "The Tragedy of the Commons," *Science* Dec. 13, 1968, 162, 3859, pp. 1243-1248; Elinor Ostrom, *Governing the Commons*.

negotiation and bargaining. Besides states, institutional institutions are themselves also sovereign authorities that are functioning within transnational public spaces.¹⁶² They are third parties that are delegated with authority to distribute interests and solve conflicts in strategic situations among states and other actors. These projects for international cooperation recall Hobbes's solution of creating a Leviathan to counter the violence in the state of nature. But in reality, there are actually Leviathans of different kinds. Some help rational actors through providing a framework for their bargaining and exchange of interests, while others rely on social norms and rituals to influence actors' behaviour. These different types of Leviathans, third parties or agents help social control and maintain social order through the combination of various instruments and mechanisms. They are generally institutions that act as the media for human communications by setting standards, providing focal points, facilitating trust relations, or even nurturing common identities and belongings. And in many contexts, institutions are taken-for-granted incarnations of justice and order. Indeed, when they are functioning in a transcendental and mysterious way, they are more authoritative and persuasive.¹⁶³

Institutions may place their authority on religious or instrumental foundations and hold that as third parties they are basic necessities for cooperation and order in human society. Ronald Coase, the founding father of neo-institutional economics, follows the instrumental or efficiency logic in his explanation of institutions.¹⁶⁴ People cannot do business without paying other costs in their transaction processes in addition to their exchange per se. The pervasive transaction costs in human interactions led to the formation of firms that internalize the costs for efficiency. The functional theory of international institutions created by Keohane applies the same logic to the international system among states. According to the Coase theorem, in the context of externality effects, if there are sufficiently low or no transaction costs, actors' bargaining will lead to an efficient outcome regardless of the initial allocation of property. However, in reality we often cannot guarantee properly defined property rights, and transaction costs are extensive. In this case formal and informal institutional

¹⁶² Michael Barnett and Martha Finnemore, "The Politics, Power, and Pathologies of International Organizations," *International Organization* 1999, 53, 4, pp. 699-732; Ian Hurd, *After Anarchy: Legitimacy and Power in the UN Security Council*.

¹⁶³ Mary Douglas, *How institutions think*, Syracuse, N.Y.: Syracuse University Press, 1986.

¹⁶⁴ R. H. Coase, The nature of the firm; "The Problem of Social Cost," *Journal of Law and Economics* Oct. 1960, 3, pp. 1-44.

arrangements have to be established, for they can act as the definers of property rights. And now the question becomes: Who will be in charge of defining of the property rights? In Western societies with mature law systems, the making and interpretation of rules on property rights can be entrusted to legislatures and courts by default, and the court will adjudicate if individuals or companies encounter situations where relevant actors cannot find agreements in the enforcement of the contracts.¹⁶⁵ This logic can be applied to international governance, too. States in international society cooperate by delegating appropriate power to international institutions to reduce the relevant transaction costs.¹⁶⁶ And when they have disputes, institutions will be the authoritative instruments to resolve their different interpretations of the situation. Rights and obligations are also distributed and managed by the third party to gain their common interests efficiently and legitimately.¹⁶⁷ Though this logic is simple and powerful, this rosy picture is only a normative imagining.

This thesis basically focuses only the following question: In a modern society ruled by law, is the court or the state apparatus behind it the only possible third party for social cooperation?¹⁶⁸ In international society analogically, which is less developed in law and other regulations and where power is often regarded as the currency for action, can states delegate their authority to one all-powerful institution or organization? This myth has been attacked by studies from several disciplines in the social sciences from various perspectives. State or court regulations are only one possible mechanism that can support actors' cooperation among multiple institutional instruments. Finding an institutional equilibrium or focal point

¹⁶⁵ As Zhou Xueguang points out, however, property rights are a relational concept instead of a bundle of rights as mainstream transaction-cost economists argue. Property rights are blurred and cannot be defined in a clear manner. Courts as third party in many occasions cannot find the right boundary to allocate rights. And something beyond the law and the court should be discovered to assure order. To reach an ultimate judgment, Su Li argues that from a top-down approach, this will be based on some political theology where the final rule is made by God; while from a bottom-up angle, social norms grow out of the daily interaction among citizens are the key for social control. See Zhou Xueguang (周雪光), “关系产权：产权制度的一个社会学解释 (Property Rights as a Relational Concept : A Sociological Approach),” *社会学研究 (Sociological Studies)* 2005, 20, 2, pp. 1-31 and Su Li (苏力), Translator's Preface, in “*Order without Law: How Neighbors Settle Disputes (Chinese edition)*,” Beijing: China University of Political Science and Law Press, pp. 1-20, 2003.

¹⁶⁶ Darren G. Hawkins, David A. Lake, Daniel L. Nielson and Michael J. Tierney eds., *Delegation and Agency in International Organizations*, New York: Cambridge University Press, 2006.

¹⁶⁷ This is a perfect deduction of the neo-institutional economics' logic in international governance. Though international institutions may face more challenges to resist power politics' pollution than their domestic counterparts, this logic indicates anyhow the possibility of evolution at international social organization. This might be the most important development in comparison with the neo-realism paradigm.

¹⁶⁸ The court obviously is not the only mediator. But what is more critical is that property rights or rules frequently cannot be defined unambiguously because the boundaries of property rights or rules are ambiguous that even the relevant parties sometimes cannot determine clearly. Accordingly, it is even harder for the court to allocate the rights.

through bargaining, coercion or other mysterious or persuasive forces can indeed confirm an institutional arrangement for cooperation. And to demonstrate an institution's function, rational choice or cultural theories and concrete research methods like game theory usually assume that an institutional equilibrium can be agreed for social order.¹⁶⁹ In real life these institutional arrangements do exist. However, in a particular time and space, though an institutional equilibrium maybe real and stable, they are almost always affected by other related institutional arrangements instead of working all alone. The co-existence of multiple institutions interacting with each other is the realistic setting of an institution's life.

Take sovereignty, the basic and constitutional institution in international society, as an example. Stephen Krasner, a political realist, believes it is not as taken-for-granted as it is conventionally regarded. In fact, it is challenged by both coercive violations and consenting agreements. Subsequently he infers that the logic of consequences will defeat the logic of appropriateness in international life.¹⁷⁰ And this is the logic behind the position that international institutions are just "organized hypocrisy," as mentioned in the beginning of this chapter. But as Chapter 1 showed, there are many institutions, formal and informal, that exist together in the international system. As a matter of fact, we cannot draw a definite line between power and institutions, just as a clear border cannot be found between institutions themselves. Power in many cases is the impetus of institutional formation and change, but it usually does not assault institutions directly. Instead power operates with various institutional aims and covers. Should we call institutions supported by a power base attacking other institutions "organized hypocrisy?" This seems illogical. The actual situation is that institutions of different kinds come into force *before* power comes into effect. Institutions are too real and ubiquitous to be hypocritical and decorative. If we see institutions as functioning in a cluster in our theoretical analysis, they will not seem hypocritical but resilient. But first we have to discover their *divergence* through international institutional analysis.

Before discussing international institutional divergence, this section analyses the shortcomings of existing institutional analysis in international relations theories. Neo-realism

¹⁶⁹ Though these institutions may be more "optimal" for some actors, they may not be the desired outcome for others.

¹⁷⁰ Stephen D. Krasner, *Sovereignty*.

in some ways can help explain the divergence of international institutions. Yet, realism's stance is that international politics is most concerned with power and national interests. Their pushing of this idea to the extreme dispels the role of institutions in the operations of power politics such that they become invisible. Some realists who are not that radical admit institutions do play a role in international relations. They argue that great powers or hegemonies can manage international political processes legitimately if they can control international institutions.¹⁷¹ National interests can be realized smartly by institutional power instead of naked and coercive military or economic statecraft. If a state uses its power with institutional legitimacy, it then can acquire an authoritative position in international distributions of wealth and justice. The costs of governance with authority are much smaller than those of clueless governance by crude power and less resistance is met from international society. In sum, radical or mild realist paradigms in general take power instead of institutions seriously in international politics. For domestic improvement or international alliance, the changing of state power is perpetual, as are the rise and fall of great powers in the international structure. Emerging powers will struggle to rewrite the international rules to create for themselves a favourable international environment. The changing of international rules are only the by-products of international power transformations.¹⁷²

Following neo-realism's logic, international institutions can only function with a power base, and it is only the desire to pursue power and interest that makes international institutions meaningful for states. Though institutions are useful for international governance, they can only operate against the backdrop of power projection or coercive threat. Thus, neo-realism's structural orientation of international power comparison is based on a micro-foundation of individual states' power utilization for national security. Moreover, the merely international physical focus leaves no space for something non-material to play a role. Ideational structures like international institutions and norms have no autonomous or ontological status in international politics. In addition, this explanation of the epiphenomenal roles of international institutions neglects social factors other than power. Variables like trust, friendship or loyalty are all important factors that may affect an international institution's operations. The logic of power can to some degree provide clues for explaining an

¹⁷¹ G. John Ikenberry and Charles A. Kupchan, "Socialization and hegemonic power," *International Organization* 1990, 44, 3, pp. 283-315.

¹⁷² Robert Gilpin, *War and Change in International Politics*, Cambridge: Cambridge University Press, 1981.

institution's formation and function during periods when the international system is in great transformation – hegemonic wars for instance. But a further question that is most relevant to this thesis is: How can we explain international institution's effects and changes when the international system is in relatively peaceful period? There is an implicit assumption in the realist paradigm that great powers or hegemonies can unify and consolidate the various international institutions and organize them into a coherent system. But as states cannot actualize their ideal stipulations and implement their institutional arrangements globally, can great powers extend their institutional preferences, even temporarily, to spaces and regions all over the world? Since its focus of attention is not on international institutions themselves, realism only gives a simple power explanation on questions like the linkages of institutional arrangements, states' ambivalent institutional choices, and system transformations based on international institutional changes.

Nevertheless, realism and especially neo-realism's structural turn and elegant logic are progressive from a theoretical point of view. Also their sensitivity to the power politics in the international system provides an important clue for understanding the divergence and stratification of international institutional systems. And from realism's point that institutions are sustained by their power bases and institutional evolution is the by-product of power transitions, we can conclude that institutions cannot work in a complete and ideal manner and some forces beyond institutions themselves must be introduced to illustrate their effects. Are spaces unfilled by institutions reserved only for naked power? Obviously states that govern solely on power cannot guarantee a stable and sustainable international system for their national interest. These concerns naturally lead us to questions related to the interplay among multiple institutions and their implications for international order and governance.

Neo-liberal institutionalism uses the orthodox institutional analysis of neo-institutional economics for its explanation of institutions in international society and at the same time adopts the elegant structural assumptions from neo-realism. It puts emphasis on the micro-foundation of international institutions and illustrates how states with common interests can solve international market failure through bargaining in the institutional environment. Game theory is commonly applied by neo-liberal institutionalists in their analysis of coordination or cooperation problems in international cooperation. In games like the Prisoner's Dilemma or

the Battle of the Sexes, states facing collective action obstacles can reach an institutional equilibrium and gain efficiency. These explanations are novel compared with traditional international relations theories. But after an institutional equilibrium is reached, can it stay stable eternally? From a broader perspective, can it be separated totally from other institutional arrangements in the institutional context?

Liberal institutionalism therefore provides a static and one-sided explanation for international institutional effects. It is static because its analysis usually stops at the stage when institutions are designed or when they exert certain effects under certain conditions. But these are only segments of institutional processes and are treated as inorganic substances. But institutions existing in temporal and spatial contexts of international contacts are organic entities. In their circles, they grow and fade and their rise and fall reflects the transformations of international society. Metamorphosis and even death are their destinies. On the other hand, liberal institutionalism's explanations are based on the single or unilinear presumption that institutions are functioning in a context where there is only one institution or one consistent institutional system, while broader and deeper institutional contexts are ignored. In turn, system effects and emergence are ignored when liberal institutionalism demonstrates institutional successes or failures.

Besides these conceptual challenges, the world political development towards institutionalization and legalization in reality international institutions in the same or different issue areas are constantly interacting with each other.¹⁷³ Looking at institutional politics today, we will miss the bigger and more realistic institutional picture if we only focus on one institution when exploring institutional effects. We can discover the mechanisms of how international institutions matter if we put them into an interactive and fluid institutional context. As a matter of fact, international institutions have been interacting since the first day they were established, long before the 21st century when the so called legalization of world politics or international institutional networks appear to have come into force. The fact that various states are coordinating and competing inside and out of international institutions means that institutions are always polycentric and multifaceted, and no institution can survive

¹⁷³ Kal Raustiala and David G. Victor, *The Regime Complex for Plant Genetic Resources*.

on its own. We can identify an institution's core territory of regulation but the peripheral land where its effects are weak cannot be ignored because it is exactly these borderlands between and among multiple institutions where we find the secrets of states' institutional choices and institutional change.

Constructivism normally calls international institutions international norms.¹⁷⁴ Norms and institutions themselves are similar in that they both are "collective expectations for the proper behaviour of actors with a given identity."¹⁷⁵ Liberal institutionalism emphasizes institutions' regulative meaning more, while constructivism pays more attention to the constitutive role of norms. As discussed above, these paradigms now have a common research agenda on how international institutions matter and both instrumental and normative values are taken into their consideration. This thesis defines "international institutions" as the rules for the governance of international, transnational and domestic actors' exchanges. They stipulate what actors can and cannot do under certain conditions. Some behaviours are allowed while others are prohibited. They on the one hand constrain actor's activities, and on the other enable and liberate them by providing certainties in social life.¹⁷⁶ Visible international organizations with people working in specific places are not international institutions. They are the platforms to formulate and enforce institutions and norms and can make international laws and enforce them through different mechanisms to various degrees that are also governed by institutions.

As mentioned earlier, though both paradigms focus on the mechanisms on how international institutions matter, constructivism's research agenda focuses on phases *before* and *after* the rational design of international institutions, which is the focus of liberal institutionalism. *Before* concerns the origins of states' preferences; *after* concerns how states' preferences are shaped by international norms. Essentially, these are the same project; namely how domestic and transnational societies are influenced by international institutions and norms. Sources of national interests and other non-state actors' influence domestically or transnationally are always the core questions of the constructivist paradigm. Naturally, preferences may

¹⁷⁴ This thesis uses international institutions and international norms interchangeably, and treats these two concepts as indicating similar international intersubjective structures.

¹⁷⁵ Peter J. Katzenstein ed., *The Culture of National Security: Norms and Identities in World Politics*, p. 54.

¹⁷⁶ Basically, all human activities are governed by some rules.

originate from both domestic politics and globalization forces in our interdependent world. From the outset, constructivism, like its ally liberal institutionalism, tries to prove that norms and institutions matter in international society. It takes a more sociological approach than its ally by arguing international norms can shape states' identities, change their perceptions of national interests, and then remould states' international behaviours.

In their attempts to demonstrate international institutions' functions, it seems that constructivism has to confront more difficulties than liberal institutionalism because it places more expectation on international institutions. Institutions not only have to provide rules for international interactions, they have to make further efforts to transform actors' preferences and interests, and during these processes actors will internalize international norms and act according to the mainstream behaviour of international life. After establishing the thesis that international institutions and norms are valuable or even indispensable for international order and maintenance – in accord with liberal institutionalism – constructivism starts to investigate how international norms are transmitted from the international society to domestic political life. It is in these explorations that the two paradigms concur in their agenda and reconcile their mechanisms for institutional effects.

The convergence of constructivism and liberal institutionalism means that they begin to be interested in the same question of international institutional effects. From the agent's perspective, they are trying to explain why states comply with or violate international treaties, agreements or norms. In a structural context, they are exploring the process mechanisms of how exactly international institutions realize their expected effects. While the general research programme and background of these two paradigms is an economic efficiency and a sociological legitimacy mechanism respectively,¹⁷⁷ constructivism has the same problem as liberal institutionalism when it tries to explain international institutions' life cycles. When applying a legitimacy mechanism to explain international institutions' success or failure, constructivists tend to assume, as the liberal institutionalists do, that there is just one norm or

¹⁷⁷ It should be noted that in general neo-realism's logic of reasoning is also based on an efficiency explanation. But the efficiency drawing its attention is about great power's efficiency in their efforts of protecting national interests, especially how strong states can reduce their governance and transaction costs in managing international society in their favor. And when the returns of international institutions establishment and maintenance exceed costs, they will do that to solidify their rule.

a set of coupled or fusing norms in special issue areas or the international system generally. Constructivists do take seriously the question of which norms matter: Martha Finnemore and Kathryn Sikkink argue that legitimation, prominence and the intrinsic characteristics of norms influence which norms will be more influential in international society.¹⁷⁸ However, this raises the question: Can two or more norms be influential at the same time, though at different degrees?

In addition, as scholars have pointed out, earlier international norm research pays close attention to “good” or “liberal” norms from a normative view; norms about human rights or endangered animal protection, for instance.¹⁷⁹ International norms originating from core states in international power distribution are also taken seriously, especially norms from Western developed states.¹⁸⁰ These kinds of norms promote their ideas and philosophies to places all over the globe as universal values. This logic firstly fixes a self-righteous norm and then spreads it in various platforms using both sticks and carrots to every region of the world. Like the discourses or approaches embedded in the modernization paradigm, this research on international norm transmission presumes that some international institutions have more admired and excellent values that can be treated as standards of civilization; and with these norms as standards, various regions’ and states’ levels of institutional internalization or socialization can be measured.¹⁸¹

Against this background where a relatively perfect international institutional system is drawn, many critical questions are buried: the resistance movements against some international institutions; the study of the mechanisms of some “bad” or evil international institutions; the promotion of institutions originating from the Third World or less developed areas; and the acknowledgement of multiple behaviours of social organizations, norms and lives within different civilizational contexts or in diverse historical settings, for instance. This can be arguably named the “absolutism impulse” from “local international institutions.” And

¹⁷⁸ Martha Finnemore and Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization* 1998, 52, 4, pp. 887-918.

¹⁷⁹ Amitav Acharya, “How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism,” *International Organization* 2004, 58, 2, pp. 239-275.

¹⁸⁰ Amitav Acharya, “Norm Subsidiarity and Regional Orders: Sovereignty, Regionalism and Rule Making in the Third World,” *International Studies Quarterly* 2011, 55, pp. 95-123.

¹⁸¹ Charlotte Epstein, “Stop Telling Us How to Behave: Socialization or Infantilization?” *International Studies Perspectives* 2012, 13, 2, pp. 135-145

according to this reasoning, history is assumed as linear and teleological, developing in a direction of social and moral progress.¹⁸² There is only one way of doing things right and if states do not follow this model of nation building and social construction, they are doomed to failure and consequently prosperity and stability in the international system cannot be assured. Although constructivism and liberal institutionalism are different in their explanatory logic, both of them focus on how international institutions matter in international order and social control. And more importantly, they share similar values and principles, normatively. They believe sincerely in the international institutions built according to the standards of liberalism and Western civilizations generally. Their lofty aspiration is to cover the entire world with international institutions and norms embedded with ideas of liberal democracy and free market capitalism. There is a zone of peace where institutions are established according to the rule of law, while other areas where autocracies dominate should be transformed and naturalized based on the more civilized and enlightened standards, both internationally and domestically, in the aim of building a homogeneous zone of democracy and peace.

To sum up, the existing institutional analysis in international relations theories puts forward various operational mechanisms of international institutions while overlooking their environmental components. Though the studies on international institutions and norms have gone well beyond a sole focus on the hedging of physical forces among states in the international system, they should pay more attention to the polycentric and multilevel international institutional environment where institutions are functioning in diverse ways. After the fact that international institutions matter has been justified, institutions' actual living environments have to be investigated instead of assumed.

Divergence of international institutions

If there are no institutions, people cannot organize their collective action to resist externalities. Without governance by law and social norms, social order will not exist. Without any kind of Leviathans, social and economic development cannot be guaranteed and citizens' rights and

¹⁸² Francis Fukuyama, *The End of History and the Last Man*, New York: Macmillan, Inc., 1992.

welfare will be in jeopardy. The same principle can be applied to the international society. States' exchanges need the support of an effective functioning international institutional system, and international peace and prosperity depends on fair and just international institutions. However, the world is at the same time divided in the process of organizing and uniting itself by institutional arrangements. Due to the efforts of splitting and integrating the world by various actors, institutions are changing accordingly. And in these complicated processes, actors and groups adjust their complex relations while human societies advance and evolve in a tortuous manner endlessly. People are desperately in need of institutions' support, but institutions cannot make everyone satisfied. In different periods their effects are different, too. Institutions are hypocritical and incompetent, and omnipotent and eternal, simultaneously. These contradictory effects of institutions originate from the institutional divergence phenomenon. The analysis focuses on the world political space in this thesis, although the author notes that domestic and international politics cannot be separated. The logic illustrated below cannot be expanded without the analogy of domestic and international institutions. International anarchy and domestic hierarchy are only social orders of different degrees; they are not incompatible in their natures because both political organizations are not as pure as their ideal types described in theory.

Institutional divergence is the diversified multiplex and polycentric institutional spaces where multiple international institutions co-exist and co-evolve. We have many dimensions to comprehend the divergence of international institutions. Through these different dimensions, we can discover a diversified multiplex institutional space. The co-existence and evolution of multiple international institutions has created a polycentric linked system in world politics. Sheer competition of national power capabilities acting like billiard balls is one possibility of international politics, while a monolithic complex security community is also an option for the organization of international relations. But these two governance forms are only two extreme ways of social organization in human society, and most human organizational forms – organization and governance forms in international society included – fall between these two absolutes. Through the medium of institutions that embody diversified ideas and ideologies, individuals and groups, states included, achieve social exchanges.

Through these processes, on the one hand society becomes a possibility as a result of institutions' socialization functions; on the other hand, organizations and people can choose other kinds of possibilities, living along the borders of institutions. In the presence of these institutional facts, it is hard for some people or communities to resist their desires to promote institutional expansion. Especially when they are powerful, people and organizations are attempted to spread their identities and values by some sort of institutional carrier to an area that is as large as possible.¹⁸³ However, the limits of organizations and institutions will then dissolve their rules, values and identities embedded within at the peripheries of their governance. No single institution can be valid and potent in all places and times. In an interdependent world, how can international institutional spaces that are polycentric and multilevel be managed? Should we presume there is an intact and ideal institutional system and then spread it to every corner of the globe, or should we acknowledge there are multiple possibilities for prosperity and civilizational forms and that they can co-exist peacefully? These are the fundamental challenges for human social organization in the international system in the 21st century.

If we put aside the normative question of how to govern the global system where multiple international institutions exist side by side and inspect the reality of world political life, what kind of entanglements and interactions among international institutions can we discover? What should be noted is that no position can be neutral and without some normative implications, especially in the social sciences where human emotions and identities are pervasive. To study international institutional divergence, the conventional approaches that only look at a single institution or institutional system should be upgraded to a perspective that views a broader institutional environment in which several institutions reside jointly.

As stated above, neo-realism fundamentally denies the autonomy of international institutions, though it assigns institutions some instrumental values under its power logic. Liberal institutionalism and constructivism stress international institutions' ontological importance in international order maintenance. But with the efficiency logic and approaches like game theory in its methodological toolkit, liberal institutionalism usually focuses on one

¹⁸³ G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars*, Princeton: Princeton University Press, 2001.

institutional arrangement that can reduce transaction costs. It lays emphasis on the micro-foundation of institutional analysis to make its argumentation consistent and powerful. However, its theoretical pursuit and ambition actually obstructs the possibility of investigating the bigger institutional picture. Constructivism on the other hand is interested in the structural and collective ideas and their carriers, namely international institutions and norms. Their emphasis on the socialization and constitution effects of international norms on states' interests and identities however lead them to the "over-socialization" pitfall, as discussed earlier. Ultimately, liberal institutionalism necessarily omits institutional interplay to explore how states conclude an institutional arrangement as a tool for cooperation; constructivism is inclined to integrate a set of international norms and then treat it as the independent variable to explore its demonstration effects. This line of argument eliminates agents' dynamic roles by not considering states and other non-state actors' ¹⁸⁴ potential refutations. Against this backdrop, this thesis introduces international institutional divergence to find a middle course between being "full of choices" and "no choice at all." This concept acknowledges the dynamics of power and interest in international society, while denying these forces can dilute completely institutions' functions. It admits that international institutions are often assaulted by states and other actors, but does not completely reject institutions' role in organizing world society.

The concept of international institutional divergence will now be explained along the time and space dimensions, before the specific analysis of its contents and forms in the later sections of the chapter. Geography, as a spatial concept, is a proper dimension to appraise international institutional networks and their divergence. All institutions are only valid within particular spatial spheres and their effectiveness and legitimacy will be stretched and diluted out of their effective range. In a favourable zone, an institution may grow like a plant, getting sufficient and proper sunlight and water which makes it full of vigour. But if we transplant it to a new place where it cannot adapt, it may wither or even die. Even when living in a suitable environment, an institution still diverges for various reasons. Institutional effects are the strongest at the heart while at the peripheral areas they face numerous challenges. The junction of two institutions is the best location to observe institutional effects and people's attitudes to them. At these border areas, the boundaries of different institutions are vague and

¹⁸⁴ State and other actors in this case are treated as "students" in international society, in contrast to their international norm "teachers."

indistinct. Their relations are black or white. Often, their interactions are not a life-and-death struggle. They can inseparable, interdependent, symbiotic and live-and-let-live, but also distinctly divided and in conflict with one another.

This spatial and fluid understanding of institutions acknowledges the existence of lines of demarcation between and among institutions, and admits that divisions of labour in institutional arrangements are necessary and real. Yet the advantage of observing institutions from a divergent spatial angle is that we can grasp the limits and possibilities of institutions' authority. Obviously an institution is more effective in the central zone of its operation but with the extension of scope geographically, it gradually becomes more and more diffuse. At the frontier where an institution can only weakly project its authority, we can discover the existence of other institutions; and if we go further and cross the border, another local institution will appear in front of our eyes. While institutions are impacting on each other, a blending process starts and cooperation and conflict are mixed. Boundaries between institutions accordingly are transformed and moved in this endless process. Institutions are changing and evolving in these dynamic processes and people's control and loyalty to them are thereupon shifted. In a word, we can better understand the limits of institutions effects' by placing them in flowing spaces. Institutions in the broad sense are omnipotent. One institution may be disabled at its frontier, but another institution will start to flourish on the other side of the border. Institutions in concrete geographic regions cannot always be that powerful, however. Along the frontier, they have to live with other institutional arrangements or even retreat and let other institutions rule. They are in some sense indeed hypocritical because their authorities become limited with the enlargement of their ruling areas.¹⁸⁵ In ancient China, the concept of *tianxia* (天下; all under heaven) links all spaces and times together,¹⁸⁶ but in real life an institution's authority must vanish along its boundaries.¹⁸⁷

¹⁸⁵ Of course, even in the core ruling dominions, there are resistances and rebellions.

¹⁸⁶ Zhao Tingyang (赵汀阳), *天下体系: 世界制度哲学导论* (*The Tianxia System: A Philosophical Discussion on World Order*), Nanjing: Jiangsu Education Press, 2005.

¹⁸⁷ Nicola Di Cosmo, *Ancient China and its Enemies: the Rise of Nomadic Power in East Asian History*, New York: Cambridge University Press, 2002; Nicola Di Cosmo, and Don J. Wyatt, eds., *Political Frontiers, Ethnic Boundaries, and Human Geographies in Chinese History*, New York: Routledge, 2003.

We can find institutional divergence along the temporal dimension, too. In a specified region, institutions are changing eternally.¹⁸⁸ In essence, the temporal dimension of divergence follows a similar logic as the geographic divergence. And from a temporal perspective, we can discover institutions' rising, prosperous, stable and declining phases. Institutions are diverging in a river of time that connects yesterday, today and tomorrow. Institutions fragment, dispute and co-exist in various spaces, and they extend, dislocate and disintegrate in different times. These processes of institutional divergence create a multilevel and multicentric institutional system that spreads from a village, city, state, region, to the entire globe. At the international level, international institutional systems today have covered all areas of human society, from arms control to international trade, from ocean navigation to cyber regulation, from Antarctica to the outer space, from human rights to animal rights. Where there are people living and communicating, there are corresponding regulations and norms embedded within international institutions to govern, from the natural world to the social world. International institutionalization and legalization are in the ascendant with the consolidation of interdependence and globalization. Though international institutions normatively are regarded as weaker in their enforcement and implementation compared to domestic ones, it is now a common view that they are positive forces in international peace and prosperity generally.¹⁸⁹

Therefore, to accommodate the emerging powers in the 21st century, to respond effectively to the rise of a global civil society, and to lead globalization actively in a direction of economic and social development for people around the world, the reforming of existing international institutions and the building of new ones are top priorities in international social organization and management. Institutional building and improvement is the key to domestic social stability and development, and it is also the key for international political development. Yet, in a small community or village, different ideas and beliefs are integrated into various institutional arrangements instead of allowing only one institution to dominate. In this interdependent world, this "global village" where all politics are global and local simultaneously, what are the demarcation lines, how do international institutions diverge, and

¹⁸⁸ Though they can maintain a relative stable state under some conditions, and this is a prerequisite for institutional analysis.

¹⁸⁹ Institutions are needed even for the breach of international peace by supporting revisionist state's international cooperation.

what kind of institutional ecology appears after divergence are crucial questions in need of answers for international governance and order.

(1) The possibilities and impossibilities for international institutions

Before investigating the exact forms of international institutional divergence, this section further discusses why international institutions multiply and evolve in the international sphere. In Chapter 1 the origins of informal international institutions were illustrated. International institutional divergence is a broader concept and the divergence of formal and informal institutions is one representation of this phenomenon. The ultimate origins of international institutional divergence are the limits of agents' cognition and the uncertainties of the complicated international political environment. We now turn to international institutions' valid zone of governance, and their potentials and limitations.

Sovereignty is the fundamental international institution which is constitutional in international society. Only within the sovereign institutional environment can states gain their legal status as the basic entity and social organization in the international system. Sovereign states internally hold the supreme power of legislation, jurisdiction and administration, while externally they have the autonomy and independence that protect them from other states' interference in their domestic affairs. But in the interdependent globalized world today, states, as the hub that link domestic and international societies, are too big for some problems that need flexible governance and too small for some issues where transnational cooperation is a requirement. In this transitional period in the international system, states are confronting joint forces that come from international, transnational and domestic directions. States' autonomy and capabilities are legal and real, but they are not absolute. Though sacred and inviolable according to the international constitution of sovereignty as prescribed by the United Nations Charter, in real international and domestic political processes states' sovereignty is not that intact and complete. If we shift this sovereign and religious power to the international level as we did in Chapter 1, what do international Leviathans' living conditions look like?

The challenges that states have to respond to from both the domestic and international spheres are not the same as the infringements and illegal acts that international institutions are exposed to. But the differentiation between domestic and international Leviathans is not absolute in nature.¹⁹⁰ Domestic and international or global governances are the same in essence because they all are located on the spectrum of market and hierarchy, or in the middle as a networked way of governance.¹⁹¹ This is not the place to discuss the particular modalities of governance; it suffices to point out that no matter how strong a state apparatus is, it has to be embedded within its society and other governance mechanisms to survive. And no matter how resilient an institution is inside a government, it also has to rely on the institutional system it resides to come into force. And the social norms in a village also have to follow the same logic. No matter how effective a norm is and how long it has been working in a community, there will be some deviationists who are converted to other institutional norms. This is not an institutional relativism that denies that the actual functioning and the necessity of an institutional system of state and central government that monopolizes violence and provides order, highly sought-for social and economic development, and a collective identity is vital for sustaining an organization or state, for example. This alertness to the boundaries and limits of institutions is based on the recognition of institutions' practical effects. The potential conflict of institutions with their counterparts or alternatives should be taken into consideration when analysing institutions' relatively stable status and structural effects under certain conditions. At the centre or during an institution's flourishing period, it is highly effective and authoritative. But we should not conclude that this institution will stay eternally, or it can be valid in all places.

From the perspective of international institutional divergence, we can see that institutions' ecological environments differ at the centre and at the periphery. But what should be clear is that the border between the centre and the periphery is not as clear as borders in real maps. Instead the positions are relative and are always moving, with ambiguous boundaries. We need to get rid of the linear view of history and institutions. Political and social problems are not like physical or chemical questions where we can discover laws like the Newtonian

¹⁹⁰ And the borders between domestic and international politics are blurred and always in the changing, sometimes melting and in other times solidified.

¹⁹¹ Some other governance forms like the relational governance, or "guanxi" (关系) governance in China and many others from different parts of the world may be added. But the point here is that all these domestic forms of management of social relations have their corresponding international versions which may show a different ecology, but in essence they are the same.

Mechanics. The world is nonlinear and in the social world even more so, thus it is not justifiable to imagine that there is only one set of optimal equilibria or perfect ideas and institutions in the world. Unexpected occasions are countless and the black swan phenomenon is not rare in human society.¹⁹² The emergence of system effects cannot be predicted as the combination of individual actions. The institutional system is always accommodating and adjusting to agents' strategic interactions and it may have consequences that are impossible to imagine.¹⁹³ For instance, humanitarian intervention may seem unquestionable or justifiable by some people in certain parts of the world, but various responses may appear once this institution flows to other places. Neo-liberal economic policies may bring about good results in the United States but may result in totally different outcomes if copied by some African or Asian countries; the foreign policy of democracy promotion applies in a similar manner.

The interaction, displacement and divergence processes of central and marginal institutions began with the initial contacts between adjacent civilizations. In ancient China, various dynasties had complicated relations with the nomads in the West and the North. Trade, marriage and wars alternately dominated their incessant exchanges. And during the complex processes of national amalgamation, the Han nationality reclaimed the ethnic minorities using the Confucian moral order and its supporting institutions, while in the meantime the Han absorbed myriad cultural aspects into their institutional civilization from the nomads.¹⁹⁴ Communication between the Chinese civilization and foreign civilizations has existed for thousands of years. Buddhism from India was converted into Chinese Buddhism, Zen included, and continues to develop today. Ancient Chinese civilization greatly influenced the institutional forms of Japan and other neighbour regions, and today Japan is influencing many Asian societies with its popular culture. China's recent Silk Road Economic Belt initiative and the 21st Maritime Silk Road attract attention from all over the world. Inventions from the Islamic world and the Chinese contributed greatly to the Western world's Age of Discovery and subsequent rise. Since China's policy of Reform and Opening up, advanced management experience and science and technology from the West are important driving forces in China's

¹⁹² Nassim Nicholas Taleb, *The Black Swan: The Impact of the Highly Improbable*, London: Penguin Book, 2008.

¹⁹³ Robert Jervis, *System Effects: Complexity in Political and Social Life*, Princeton: Princeton University Press, 1997.

¹⁹⁴ Wang Mingming (王铭铭), *超越新“战国” (Beyond the New “Warring states”)*, Beijing: SDX Joint Publishing Company, 2012.

political and economic institutional changes. These mutual exchanges and interactions between civilizations, with diverse institutional arrangements as organizational forms, have continued for centuries.

Institutional exchanges can be conflictual too, of course. Wars and crises have resulted from institutional interactions throughout human history: the Crusades, the wars and conquests between the Han and the nomads in ancient China, colonial wars in the West and the East, and, the most conspicuous, the two world wars of the 20th century. These clashes were more than crude power struggles. Beneath the hard power bases are ideas and institutions which support the war and during their integration to these conflictive processes become part of the wars themselves. Wars may be the worst disasters for human society, yet during these times when societies are shocked both domestically and internationally, institutional interactions also culminate. Wars are the extreme manifestation of institutional conflicts, but in the aftermath windows of opportunity for institutional reorganizations open, especially for the victorious parties. The end of the Cold War brought a new transitional international system for international institutional changes. The re-emergence of the old balance-of-power international politics is a real possibility, especially since the rise of China in the 21st century. But opportunities for the upgrading of international institutions are hidden within the changing international political ecology. In the 21st century, to make institutions better for all people around the world and to make peace and development dominant in international political life, the limits and borders of international institutions should be taken seriously. To presume there is a perfect institution that is universally applicable is not justifiable morally, internationally or domestically, nor politically or economically. The ambition to promote predetermined institutions in places with their own indigenous culture and institutions should be reconsidered. Instead of conventional hierarchy or market mechanisms, self-organization by endogenous rules may be more suitable for local governance.¹⁹⁵ In this interdependent world where all international institutions are linked to the changes and adjustments of domestic institutions, international Leviathans, like their domestic counterparts, sometimes cannot do good to, or may even do harm to, domestic political and economic environments. The Achilles' heel of institutional implantation is that the institutions that are regarded as models are in fact local rules too.

¹⁹⁵ Elinor Ostrom, *Governing the Commons*.

Acknowledgement that civilizations and lifestyles and their supportive institutions are multicentric and fluid is the worldview foundation for discovering the divergence of international institutions. At least for the social sciences, such a conception of the world, history and institutions is highly applicable. For Hobbes, in a state of nature where people pursue only selfish individual interests with no attention to the interests of others, social order can only be guaranteed by an external Leviathan. This utilitarian idea of social life cannot find correspondence in the evolution of human societies. People do spontaneously organize orderly lives, even without the help of the state. On the other hand, a political organization that ignores individuals' demands while stressing collective interests moves to the other extreme of the spectrum of governance. No public policy based on a collectivist philosophy can be 100 percent effective. However smart and strong the ruling classes are, the weak can always find a way to resist the despotic rule of collectivism.¹⁹⁶

In this thesis a relational philosophy is advocated.¹⁹⁷ By adopting the perspective advanced in this study, we discover that every institution is living in a bigger institutional context and its normal functioning is dependent on its coordination with other relevant institutions.¹⁹⁸ A dynamic and polycentric institutional environment, instead of an assumed efficient equilibrium or common knowledge, is what exists in reality. Only through interactive processes¹⁹⁹ can institutions see themselves in other institutions' mirrors. In the perpetual course of institutional change and evolution, institutional arrangements from different levels and geographic areas are meshing in alternately cooperative and conflicting actions. Through agents' strategic interactions, organizations and individuals located at different spaces find their positions, lose their orientations, or get stuck in the border zones. Between offensive and defensive institutional engagements, the borders subsequently move back and forth. In the core ruling area of an institution, the institution is stable and convincing, like a power magnet. Through its successful socialization, organizations and individuals that are covered by its rules are law-abiding in words and in deeds. Beyond an institution's frontier, it has to yield to other

¹⁹⁶ Recognizing the weak has their weapons to resist does not mean that the resistances can be easily organized.

¹⁹⁷ Bian Yanjie (边燕杰), "关系社会学及其学科地位 (Relational Sociology and its Orientation in Sociology)," *Journal of Xi'an Jiaotong University (Social Sciences)* 2010, 30, 3, pp.1-6.

¹⁹⁸ Conflicts and wars are also possible institutional interaction forms.

¹⁹⁹ Institutions of course are only carriers of human aspirations; it is agents who endorse certain institutions that are actually acting in these interactive processes.

institutions that other people and groups find authoritative. In the contiguous areas where institutions are interacting most fiercely, some agents will strive to make potential institutional changes that are beneficial for them.

The decisive cause of the divided and linked central and marginal zones of governance of institutional power is the indecisive adjudication in human society. A final and authoritative adjudicator sometimes is found in a top-down manner, sometimes in a bottom-up manner, and most of the time in the middle spaces between the state and society. Decentralized governance and organization is often used to depict the international system, in contrast with the hierarchical domestic society. But in reality, even in domestic governance the state cannot totally implement their institutional blueprint completely and eternally. And so we have some “order without law” or “in the shadow of law”.²⁰⁰ As a matter of fact, all social orders are sustained by certain forms of institutions that hold them together. When we argue that some order is maintained without law, there must be some other institutional arrangements which can substitute for formal institutions from the state. The concept of law is controversial. But if we consider the formal legal system and informal social norms or other social control instruments as certain kinds of institutions, we see that these stylized mechanisms can all be analogized as third-party Leviathans.²⁰¹ Though they need individuals’ cognition to work, basically they are all external forces inter-subjectively functioning between and among individuals. International politics are conventionally treated as anarchic; that is, totally different from domestic politics, and following this reasoning it is argued that international order can only be realized with power’s shield instead of institution’s nurture. Obviously today this point of view on international order is no longer dominant. Only through imaginatively assuming and strenuously facilitating an international institutional system that can function beyond the orthodox sovereign territorial limitations can international and global governance become possible and promising. How to promote legitimate and effective institutional institutions is the core issue for 21st century world political organization and development.

²⁰⁰ Stewart Macaulay, “Non-Contractual Relations in Business: A Preliminary Study,” *American Sociological Review* 1963, 55, p. 55-66.

²⁰¹ They are leviathans with various personalities, some survive with violence while other live by persuasion.

In domestic society, clear definition of private property is considered one of the most important tasks for government. Properly defined property rights can motivate organizations and individuals in the market to solve the problems of externalities to complete their transactions. Thus in an ideal state, as long as there is contract law, the courts can solve the disputes in the market; and with an efficient market system, economic development can be ensured. Economic development or stagnation and the rise or fall of states can to some degree be explained by whether an efficient state that can effectively define property rights exists or not, according to neo-institutional economics. But in real life property cannot be defined clearly and transaction costs are pervasive. However, the courts are not the only mechanism that people can rely on. Between the state and society, many institutional forms exist for cooperation. For instance, in medieval times the Muslim world managed their trade across the ocean through a private order supported by social norms, as illustrated by Avner Greif.²⁰² Essentially, an institution's effectiveness has to be measured within certain geographical and temporal contexts. An institution may be extremely powerful here and now, but in another time and place, it may be incapable of action; moreover, even in its zone of validity, an institution normally requires assistance from a system of institutions to take effect.

Sovereignty can be regarded as the private property right institution of international society. Every state's sovereignty is a private asset that cannot be violated in principle. Yet, state autonomy is never complete and sacrosanct, both in the domestic society and the international system. In the international system, this property right is constantly challenged by other institutional arrangements. The strong powers extend their domestic institutions into the international society, while the weak ones hope that their institutional autonomy can be protected by the sovereignty institution.²⁰³ However challenged, sovereignty is real and necessary for the international order and for the existence of international society itself. With this background, the introduction of the concept of international institutional divergence in

²⁰² Through comparative institutional studies, Greif points out the divergent development directions of the Muslim world and the West took in the following centuries in their institutional foundations. Though impersonal, effective state institutions are desperately needed in many parts of the world today, we cannot deny the importance of informal social norms in modern world, too. See Avner Greif, *Institutions and the Path to the Modern Economy: Lessons from Medieval Trade*, New York: Cambridge University Press, 2006.

²⁰³ What states hope to maintain are certain kinds of institutional arrangement, both domestically and internationally, but not power per se to satisfy their interests. And national interests are partly originated from the international society sustained by institutions.

principle should be easier than in its domestic counterparts,²⁰⁴ because what is in front of our eyes is an anarchic international system that is decentralized. To prove that institutions exist and matter in the international system – against the neo-realism paradigm – researcher have only begun to study institutional systems instead of just one international institution or norm in the 21st century. Additionally, with their methodological considerations, the existence of the blind spot of institutional divergence is not altogether inexcusable.

What needs to be repeated here again is that although we recognize power's extreme value in international institutional change, it is international institutions that are the ontological force that holds international society together. We should note that what makes institutions hypocritical is indeed power. But what makes these power applications meaningful are the carriers of collective ideas or identities, namely international institutions. Power is useful in institutional promotion, but it is institutions that are power's compass. Take the sovereign disputes in the Eastern and Southern China Sea as an example. Different interpretations from China, Japan and other Southeast Asian states make the sovereignty institutions in this region fragmented, yet all their referring to this institution is a prerequisite for the existence of the current international system where territories as the inviolable components of sovereignty states cannot be shared. Territory as part of sovereignty is complete or else it cannot be explained accordingly to the rules of this international system. In the institutions and discourses of the Westphalian international system, however, it seems that these clashes can find no solution. The reason for this impasse is the divergence of the sovereign institution which can be interpreted according to many other standards in the institutional border regions. As already discussed, sovereignty is a private property. But in these conflicting areas, we have several institutions defining it. Whose sovereignty? Whose international institutions? These theoretical and empirical conundrums form the backdrop of our analysis of international institutional divergence.

(2) Forms of international institutional divergence

²⁰⁴ Though the theme of institutional divergence in this thesis is an analog of domestic governance, and it is stemmed from the inspiration of domestic informal norms.

Chapter 1 introduced the interaction of international formal and informal institutions into international institutional analysis. The interplay of formal and informal international institutions is one important manifestation of institutional divergence in the international system. This divergence is actually a basic evolutionary path in human social organization. Communications in society need institutions as external supporting forces. Human beings' initial exchanges happened in acquaintance societies where various rituals and codes of practice were evolved and developed. These familiar and publicly accepted practices were gradually institutionalized and solidified into informal social norms. Living within these intimate environments where familiar people interacted on a daily basis, social norms were transmitted, socialized and preserved from generation to generation. In these close communities, people's behaviours had to conform to the social expectations and customs; they would receive social rewards and authority for conforming and punishment from their relatives and acquaintances for flouting them. The rewards and punishments can be carried out in a material or spiritual manner. Though rational and utilitarian elements are important considerations, social factors such as relational and diffused reciprocity, cognition and emotion should also be included in individuals' mentalities in these social circles.

The scope of exchange with these informal norms is limited because in different communities and cultures various popular modes of behaviours are operating. Beyond a specific area, the changing cognition towards institutions makes some informal norms invalid in other regions; language maybe the most unambiguous example. To support social and economic exchange in a larger geographical scope, impersonal third-party agents are needed to monitor the exchanges among strangers with the mechanisms of the law, courts, and police. Law and monopolized violence as the law's prop are the impersonal mechanism which can punish agents who transgress the law with the aim of maintaining the common interest within a particular area of dominance. Law's area of coverage naturally falls within a sovereign state since the formation of the modern international system after 1848. Law, as formal rules, is the upgraded version of norms that confirms some social norms, abolishes some, and indulges others. Whatever the interactive forms, laws can function more efficiently if they are supported by informal norms in society. Transaction costs are greatly reduced if formal and informal rules interact seamlessly, while their collisions will result in bad governance outcomes and social disorder. Formal and informal institutions are living in each other's

shadows.²⁰⁵ As demonstrated in Chapter 1, this is one unnoticed international institutional divergence in international society.

As a matter of fact, the most fundamental divergence of international institutions comes from an individual institution's characteristics: its incompleteness, ambiguity or insufficiency. With these cracks or gaps existing in institutions, any institution and any of its articles can be interpreted in many ways, and multiple derivational provisions can also be inferred. All institutions require some non-institutional factors as driving forces for their effectiveness. And among these factors we also find many potentials and incentives that may cause institutional fragmentation. Nevertheless, institutions cannot be too fragile as to lose their stable and structural qualities.²⁰⁶ Their multicentric and multilayered attributes are not absolute, but vary along a spectrum, though they may avoid the possibility of fragmentation. This is due to the limited rationality, environmental uncertainty, and other related factors discussed earlier. And if we drill down to the bedrock of institutional divergence, we have to admit that between the almighty God and the crude facts, we always need our imaginations to make certain assumptions and invent an idea or theory; and we have to use these equivocal ideas as raw materials to build institutions. Among these basic ideas, identities, theories or values, people can find their like-minded comrades; but in the meantime people have to part with these with different identities. Not a single institution can satisfy every person's preference. Regardless of the complicated picture of system effects happening in groups or among organizations, even for an individual, her institutional choice is eternally changing with the changes of times and context. People's ideas are a multidimensional and permanently changing process, while the intricate combinations of individuals, groups, states, international organizations and institutions apparently and inevitably are complexes with numerous institutional preferences. An institution has to face various interpretations of their rules and an interactive ecology together with other congenial or incompatible institutional counterparts. In a word, the complex relations between individual and society bring up the multiple potentials in agent-institution interactive processes. An institution can have infinite meanings for different people which is the fundamental dilemma of its existence. Yet, the other side of the coin is institutions' potential for adaptability and flexibility. The co-

²⁰⁵ Victor Nee and Paul Ingram, *Embeddedness and Beyond: Institutions, Exchange and Social Structure*.

²⁰⁶ When this is the case, an institution will die; Colonialism and slavery institutions are examples.

existence of rigidity and mobility embedded in institutions is their essential manifestation of divergence, and any other forms of divergence are only derivations of this.

When looking into the specifics of international institutional divergence, one finds there are inexhaustible forms of institutional divergence in human society. In particular, since we are focusing on the institutional ecology with the largest geographic scope on earth, there are numerous human communities and organizations involved, and accordingly the most complicated and diversified institutionally divergent pictures. For instance, what are the implications of an international institution for individuals in various parts of the world?²⁰⁷ How will a citizen's understanding be transmitted and reflected in her domestic public policies and social norms, respectively? And what kind of institutional or norm contestations are happening in the gaps among these international and local collective ideas? After China joined the WTO in 2001, how have a Chinese farmer's life and living strategies changed? He may be absolutely ignorant of the trade rules regulating the world, but the farmer must have made some changes to his way of life. Though local and domestic social and economic transformations may more greatly influence his life, within these domestic forces there are always some international and transnational institutions and norms embedded. Everyone's choice and every family's decisions have to respond to some sort of institutional force mingled within the social context, and with the integration and fragmentation of the global social spaces people are facing an unprecedented institutional complex today. To fully understand these unparalleled international, transnational and local institutional interactions and divergences may be beyond human cognitive ability, but the combined efforts of multiple disciplines at least can provide some basic comprehension of the world we are living in today. Below some forms of international institutional divergence are introduced and described according to the normal categorizations and cognitive maps in international relations studies.

International relations analysis generally takes international, regional, domestic, and sub-regional levels as the basic platforms where various actors are acting in chains. International institutional divergence happens along these levels in the international system too. The domestic effects of international institutions are one research frontier in international

²⁰⁷ Karisa Cloward, "False Commitments: Local Misrepresentation and the International Norms Against Female Genital Mutilation and Early Marriage," *International Organization* 2014, 68, 3, pp. 495-526.

institutional analysis. On the other hand, how domestic institutions are conveyed to the international level should also be understood,²⁰⁸ especially institutions and norms from developing countries and the emerging powers.²⁰⁹ Domestic institutions can alter and transform international ones, though different states have diversified intentions and abilities in this domestic–international institutional nexus. As a matter of fact, domestic and international institutions are perpetually interacting in a mutually transformational and correlative way: all institutional politics are global and local at the same time. In addition, international institutional divergence can naturally include interactions of institutions from extended regions, as well as domestic and international institutional interactions. Horizontally, international institutional divergence includes the interaction among international institutions, exchanges between regional institutions, institutional and public policy exchange and learning among different states, institutional interplay among various sub-regional institutional arrangements, and mutual institutional transformations between global city levels, for instance. Vertically, the above-mentioned spectrum of institutions’ alternating interactions should be analysed, including but not only institutional interaction between international and domestic institutions. If we study institutional interplay as a form of international institutional divergence in the complicated and multiple levels from the globe to the local, we can significantly broaden the territory of international institutional analysis. Moreover, exploring the institutional divergence beyond the conventional limits of sovereign territory may reveal a world governance paradigm that transcends the currently dominating nation-state model. This perspective and agenda may seem cumbersome and disorderly, but this is the real conceptual abstraction of the globalized institutional system we are living in. Human society needs to be organized on every level. To find order from the chaos and nurture a world order by studying institutional interaction at various levels, and to make institutions more just and effective, are the main tasks for institutional analysis.

A world state or global community that unites the whole world within one polity may seem to be a pipe dream given the spectrum of human organization today. The sovereign state is now the basic and dominating political organization in the international system. But civilization, as an unit of social analysis smaller than a world state yet larger than national state, has long

²⁰⁸ Kal Raustiala, *Does the Constitution Follow the Flag? The Evolution of Extraterritoriality in American Law*, New York: Oxford University Press, 2009.

²⁰⁹ Amitav Acharya, *Norm Subsidiarity and Regional Orders: Sovereignty, Regionalism and Rule Making in the Third World*.

been discussed in the social sciences and humanities.²¹⁰ The clash of civilizations has been one of the most controversial themes in world politics since the end of the Cold War. In recent years, civilization as a unit in world politics has been studied more systematically and impartially in international relations theories.²¹¹ Sophisticated human civilizations as a grand concept in human organization can also be analysed from an institutional perspective. In every civilization, a specific mode of behaviour regarding personal and social organization can be extracted. This modes and rules as institutions regulate people's material and spiritual ways of acting. Some lifestyles governed by a particular institution within a civilization are regarded as natural and divine within that cultural circle. But these taken-for-granted institutions may be inscrutable for people edified by other institutional forms in other civilizations. Meanwhile, common customs in different civilizations can be bridges in civilizational dialogues and communications. Conversations between conflicting civilizations and toleration of the civilizational differences that are embodied in diverse institutional arrangements are more vital than examining heterogeneous civilizations with tainted glasses and only eyeing on the discrepancies among them. To encourage social and cultural exchanges among civilizations and let them coexist and prosper, instead of setting certain "standards of civilization" and assuming the clashes and exclusiveness of civilizations, may serve as the transcendental catalyst for civilizational reconciliation. Integration and exchange among civilizations are the manifestations of institutional divergence at the largest level of geographical organization in human society. This type of divergence, too, can occur at both the horizontal level where different civilizational institutions interact, and the vertical direction where sub-civilizations interplay, or inter-civilizational exchanges from a top-down or a bottom-up manner.

Categorizing according to level of analysis in international relations is to understand international institutional divergence from a spatial dimension. The temporal dimension is another important perspective to explore this phenomenon. Intuitively, the institutional divergence in various geographic regions is much related to states' compliance with international rules. Institutions in different places have contrasting implications for people

²¹⁰ Samuel Huntington, "The Clash of Civilizations," *Foreign Affairs* 1993, 72, 3, pp. 22-49.

²¹¹ Peter J. Katzenstein ed., *Civilizations in World Politics: Plural and Pluralist Perspectives*, London: Routledge, 2009.

within and out of specific areas, and this fact with dramatically influence actors' attitudes toward institutional arrangements. On the other hand, to investigate institutional divergence from a temporal perspective can bring out a new vision on institutional changes. Institutions as social structures need agents' everyday interactions to sustain their meanings and values. The same institution's role in social organization is changing with the times. In another time, it may not be suitable any more for governance with the emergence of new actors. Or the same actors may find it out of date with the transformation of the physical and social environments. Institutional changes are happening with the flow of time, and agents need to adjust and reform institutional arrangements for ever-changing circumstances. And if an institution cannot satisfy actors' requirements in a new context, it may wither away; though in institutional reality, an institution's complete extinction is rare. To avoid an abrupt failure in social organization, new institutions usually have to be built upon older ones, instead of being created with totally new structures and content. An institution's temporary disappearance may only be a transitional phase for its renewal. Along the spatial-temporal dimensions, Helle Malmvig points out that in the same historical period, sovereignty can have different meanings for different geographic spaces; Cynthia Weber on the other hand indicates that the sovereignty institution has specific implications for countries in different periods of history.²¹² Human interactions today are occurring on the global stage at an unprecedented level, and accordingly institutional divergence will come along with people's institutional building and reforming processes. Social order or disorder at the international system level or in any special issue areas will to a great degree be determined by the dynamics of international institutional divergence.

The spatial and temporal dimensions actually only showcase the straightforward forms of international institutional divergence. To make institutional interactive dynamics substantial, concrete contents should be inserted in institutional divergence in different forms at various levels. Identity politics may be a good point of penetration to understand international institutional divergence. Concurring with the worldview of this thesis, an identity in many occasions can only ambiguously mark a border along different institutional territories, though it is a very useful classification means. Living within the exceptionally complex world political structures, diversified states and non-state actors will organize and manage

²¹² Helle Malmvig, *State Sovereignty and Intervention*, London: Routledge, 2011; Cynthia Weber, *Simulating Sovereignty: Intervention, the State and Symbolic Exchange*, New York: Cambridge University Press, 1994.

themselves and their complicated relations according to explicit and implicit identities, and international institutions as both organizing and divisive forces are split and reassembled. Various international institutions are interacting in world politics with distinct or vague identities attached to them. There are numerous corresponding and divergent institutions in international society with contrasting identities: the Non-Alignment Movement (NAM) and the Group of 77 (G-77) for the developing countries; and the Organisation for Economic Co-operation and Development (OECD) and the Group of Eight (G8) for the developed world; NATO and its opponent the Warsaw Pact during the Cold War with capitalism and socialism identities, respectively; formal and informal international and transnational organizations that support and resist globalization and international trade agreements; the Bretton Woods System of international financial and aid institutions and the newly established financial and aid institutions like the New Development Bank (NDB), to name but a few. As a matter of fact, in any issue area we can discover opposing or echoing institutional arrangements that diverge with different political identities.²¹³

In sum, several forms of international institutional divergence exist: formal and informal institutional divergence; horizontal and vertical divergences according to the level of analysis in international relations – from civilizational, international, regional, state, sub-regional to city levels; institutional divergence following the flow of time; and diversified institutional divergence caused by identity politics. In fact, there are many other classification standards. For example, institutional divergence happens in the same issue areas as the interaction of international trade institutions; it also occurs in cross-cutting issue areas, as the interplay between international trade and environmental agreements. Other divergence forms include the international institutional divergence in the light of feminist and masculinist perspectives, or from the angle of race, ethnicity or class. The point here is that we should broaden the existing assumptions of the institutional environment to bring in institutional interaction at various levels and areas, instead of focusing only on a single international institution or the interaction between domestic and international institutions. International institutional analysis from a comparative static perspective should also be abandoned to explore international institutional change in different time periods or crucial moments in history. We can better

²¹³Not all states and organizations can institutionalize their identities into norms, but the potentials for these institutional dialogues are always present.

explain international institutional effects and changes through these broader and more realistic institutional contexts.

Conclusion

This chapter has developed the concept of international institutional divergence by broadening the interactions of international formal and informal institutions to a more abstract level. It has shown that there are various forms of institutional divergence in the international political system. The idea that international institutions matter has already been proved via their roles in international cooperation promotion and order maintenance. Yet the existing institutional analysis from rationalist and constructivist theories presumes a far narrower institutional context than what exists in reality. Attention is paid only to one international institution while ignoring or assuming away the multilevel and multiple dynamic institutional environments in its probing of institutional effects and states' institutional choice. With the new assumption or reality of international institutional divergence, states' institutional choice and international institutional effects and changes reveal a different picture. In the core and peripheral regions of governance, and in their flourishing and declining phases, international institutions present distinct rationales of effects. And at the bordering areas of institutional interplay and divergence, important questions such as states' compliance and international institutional change might be manifested and explained in a more notable manner. This chapter has also indicated the deficiencies of conventional international institutional analysis, and pointed out the origins and forms of international institutional divergence. How such divergence influences institutional choice and change will be discussed in the next three chapters.

CHAPTER 3 INTERNATIONAL INSTITUTIONAL DIVERGENCE AND STATE COMPLIANCE

The degree of a state's compliance with international institutions is not a perfect indicator of institutional effects. Compliance may not bring about the expected outcomes of institutional designers. Even if states fully obey the regulations written in international agreements, they may not agree with the normative requirements embedded within institutions, and in this way effective governance cannot be guaranteed in the long term.²¹⁴ In essence, compliance cannot be perfect and complete, even if institutions are designed as perfectly as possible. This ontological dilemma is due to the lack of non-institutional factors' necessary support of institutional effects. Institutions cannot function well only by themselves as social structures and need to work in collaboration with other forces like power and ideas.²¹⁵ In addition, the incompleteness of international compliance provides spaces for institutional growth and transformations. If an institution is fixed, it then cannot adapt to the ever-changing environment flexibly. In the long run, any institution's governing functions and legitimacy cannot be ensured fully because an environment with endless uncertainties is always in a process of change. Moreover, non-compliance with international rules may be positive because the violation of existing institutional arrangements can be regarded as a catalyst for institutional reform with the aim of substituting or upgrading the existing institutional system that may actually be unjust or ineffective.

Generally, international institutions are treated as independent variables in the study of international compliance. States and other non-state actors adjust their behaviours to match up with the regulations or spirit of international rules out of rational, normative or cognitive considerations.²¹⁶ Institutions are normally assumed to be constant, while agents' interest, power and identity changes are taken as the potential variables that influence their

²¹⁴ Kal Raustila, "Compliance & Effectiveness in International Regulatory Cooperation," *Case Western Reserve Journal of International Law* 2000, 32, pp. 387-440; Edith Brown Weiss and Harold K. Jacobson eds., *Engaging Countries: Strengthening Compliance with International Environmental Accords*, Cambridge, MA: The MIT Press, 2000.

²¹⁵ Kathleen Thelen, Sven Steinmo and Frank Longstreth eds., *Structuring Politics: Historical Institutionalism in Comparative Analysis*, New York: Cambridge University Press, 1992.

²¹⁶ Kal Raustiala and Anne-Marie Slaughter, "International Law, International Relations and Compliance," in *Sage Handbook of International Relations*, pp. 538-558, edited by Walter Carlsnaes, Thomas Risse, and Beth Simmons, London: Sage, 2001.

institutional choices. This chapter reverses the existing order of agent and structure in state compliance by placing states in institutional interactive contexts at the international level.

Whether to start an analysis from the agent's or the structure's side is a chicken-and-egg problem.²¹⁷ Essentially, institutions are built by agents and human interactions are the driving force for institutional change. Thus actors' interaction and exchange may be a more reasonable starting point for institutional analysis. And the rational choice approach of institutional theories that base their institutional explanations on a micro-foundation would proceed in this manner. But like Pandora's Box, once institutions come into being, unexpected outcomes may appear due to their functioning, and the institutions themselves gradually gain various degrees of autonomy. This autonomy of institutions can also be explained from the agent's standpoint. Through diversified socialization mechanisms, institutions instill collective ideas into agents' cognitive systems. These ideas and ideologies then become the cognitive framework, action program, and code of ethics that guide agents' decision making and social action. Institutions are then taken for granted as a sort of religion embedded in agents' minds. Obviously, people can abandon an institution as they can convert to other religious beliefs. But living under the pressures of the social system, it is hard materially and socially to act as a betrayer of an institutions. For social groups and organizations that are made up of large numbers of agents, the difficulties of mobilizing collective action imply that it would be even harder for an organization to abandon completely an existing institutional arrangement. Revolutions and wars do not happen every day, or else society, domestic and international, would simply be too unstable to exist. The heavy weight of institutional history can strengthen an institution's foundation and rules of governance as time passes through a path-dependence mechanism.²¹⁸ Thus institutions are usually stable and their changes are normally subtle and gradual.²¹⁹ A tipping point or threshold has to be reached before transformations on a larger scale can occur, just like it is relatively rare for a person to change their religion.

²¹⁷ Alexander Wendt, "The agent-structure problem in international relations theory," *International Organization* 1987, 41, 3, pp. 335-370.

²¹⁸ G. John Ikenberry, *History's Heavy Hand*, unpublished, 1994, accessed 8 Sep, 2014: http://scholar.princeton.edu/sites/default/files/HistorysHeavyHand_0.pdf.

²¹⁹ Kathleen Thelen, *How Institutions Evolve: The Political Economy of Skills in Germany, Britain, the United States and Japan*, New York: Cambridge University Press, 2004.

With institutions' autonomy acknowledged, to the next step is to abstract some variables from the institutional environment to study state compliance with international institutions. Explanations that use institutions' power to analyse agents' institutional choice are called "institutional explanations." Since institutions need the support of non-institutional factors to work, the explanations that take in other factors to understand institutions' role are only "explanations of institutions." "Institutional explanations" admit institutions' ontological sustaining functions in the social order, and international society is just one platform or hardware where institutional softwares are operating. But only considering institutions' role is not enough to explain agents' institutional preference. Institutions are working in a system where forces of various kinds at different levels are jointly moving and operating. Therefore, the explanation of state international compliance in this chapter brings in the elementary explanations of social behaviours, and the concrete interactive process mechanisms of between institutions are also introduced. The explanation of state compliance put forward in this chapter starts from the premise that institutions matter fundamentally in international society. It then blends in meta-social action theories that comprehend state strategic interactions from rational, power and normative perspectives, and the interactive mechanisms between institutions are also brought into the analysis. The aim is to give a preliminary display of the influences of international institutional divergence on states' institutional choice. After discussing why states obey or violate international rules, the divergent institutional environment is utilized to study the international compliance of states in this chapter. Finally, it discusses the implications of this chapter's approach for existing explanations of states' international compliance from an international institutional divergence perspective.

Why do states comply with international institutions?

The reasons for states' international compliance can be divided into two categories. One type of compliance sees international institutions only as external instruments and divides the boundary between states and institutions clearly, while the other type see states as enmeshed into the web of international institutions and treats them as mutually constitutive to various

degrees.²²⁰ Some scholars argue that there is a certain sequencing to a state's compliance level: at first states may choose to comply with international rules out of pure rational choice motivations for material interests, but through some deeper socialization and acculturation processes, states will gradually identify with the international rules and surrender to the legitimacy of them out of normative and cognitive considerations. Other scholars do not agree with the logic and possibility of preference change during institutions' socialization process. They regard states as rational, now and always, and accordingly a state will comply solely in pursuit of its national interests.²²¹ States may comply through voluntary negotiations or under the coercive force of military or economic pressures, but institutions are just instruments and a means of advancing their interests.²²² These two logical possibilities are named "logic of consequences" and "logic of appropriateness", respectively.²²³ The first is an application of the efficiency logic in economic reasoning and the second an application of the legitimacy logic in sociology.

The efficiency logic or rationalist theories in international relations can be divided into two categories: the first is the realist power mechanism that treats state compliance as big powers' national interest and small powers' last resort; and the second is the liberal institutionalist mechanism that explains state compliance in terms of reciprocity and reputation.²²⁴ The first mechanism to some extent points to the existence of multiple equilibria in international institutional arrangements. Stephen Krasner, for instance, argues that there are multiple possible equilibria for international cooperation and that along the Pareto frontier stronger states can decide the rules for cooperation, satisfying their preferences at the expense of the weaker ones.²²⁵ In fact, this type of explanation is not an institutional argumentation, but an explanation of institutions' limited yet necessary functions. It is the power activated by national interest that dominates that choice of a particular institutional equilibrium. As Krasner illustrates in his later works, the sovereignty institution as a constitutional rule in the

²²⁰ Harold Hongju Koh, "Why Do Nations Obey International Law?," *Yale Law Journal* 1997, 106, 8, pp. 2599–2659.

²²¹ Jeffrey T. Checkel ed., *International Institutions and Socialization in Europe*, New York: Cambridge University Press, 2007.

²²² Emilie M. Hafner-Burton, "Trading Human Rights: How Preferential Trade Agreements Influence Government Repression," *International Organization* 2005, 59, 3, pp. 593–629.

²²³ James G. March and Johan P. Olsen, "The Institutional Dynamics of International Political Orders," *International Organization* 1998, 52, 4, pp. 943-969.

²²⁴ Andrew T. Guzman, *How International Law Works: A Rational Choice Theory*, New York: Oxford University Press, 2008.

²²⁵ Stephen D. Krasner, "Global Communications and National Power: Life on the Pareto Frontier."

international system has long been violated in different ways. The stronger powers even can break the seemingly fundamental rule in international society.²²⁶ The logic of consequences dominates the logic of appropriateness in an international system where power is the currency for action. This explanation regards international institutions as subordinate to big powers' control.

Liberal institutionalists believe in international institutions' positive role in international cooperation and criticize the realist view of institutions. They ask why do states spend vast material resources on institutional maintenance if the object of international political life is solely power projection? This thesis further challenges the realist position by pointing out power's limits: What if the strong powers cannot remove all other institutional equilibria to leave its one preferred power arrangement? The realist logic supposes that big powers can monopolize the institutional market and filter out institutions that are detrimental to them. But the Pareto frontier cannot be occupied by only one rule; other institutions and norms coexist there with various influences. Even if hegemony can build an international institutional system that orbits around it, this system of institutions may not be able to safeguard its effectiveness and authority with changes in the international political ecology. And institutions at the margins may gradually squeeze the space of governance of the central institutions or even substitute them under certain circumstances. Even when the existing institutional system is in its heyday, it usually still has to tolerate the existence of challenging institutions. This is the situation we discussed in Chapter 2: an institutional logic's dominance at all times and in all places is not possible. When a small village can have several parallel norms for the governing of a local issue, what about the global society which is the largest human society in geographic scale? The great unification was a dominant norm in ancient China, yet the Chinese civilization never fully conquered the surrounding diverse political organizations. At the margins of an institution, other rules are waiting to bloom if more suitable conditions arise. America and its alliances in the Western world try to change the world using institutional values like democracy, human rights, good governance, rule of law, and the "Washington Consensus", but on some occasions these efforts meet counter-blows that can result in Anti-Americanism and local state disorder. Naturally, with the preeminent hard and soft power in its hands, America has the capability and desire to promote universal

²²⁶ Stephen D. Krasner, *Sovereignty*.

institutional ideas all over the world. Yet strong as America is, these promotional movements have their limits. Though the less developed world has no military and economic statecraft to compare with the United States', they nevertheless have the weapons of the weak: counter-institutional arrangements. With the emergence of multiple international institutions coexisting on the global stage at the same time, states' international compliance becomes subtle and complicated. And for the good of global governance, this institutional environment with plural international institutions holds opportunities for the upgrading of the current international institutional system, though the risk of institutional balance and competition is also possible in state's complicated interactions.²²⁷

Another branch of compliance studies based on efficiency logic originated from neo-institutional economics. In this research programme, national interests are exogenous and international institutions are again secondary, acting as tools for international cooperation. Several specific mechanisms are applied to explore why states comply with international rules. Among the mechanisms, reciprocity is one of the most important for international cooperation via the medium of international institutions' information provisions. Common interests among states can only be realized by the reduction of transaction costs through the formation of some kind of common knowledge. Institutions as instrumental "Leviathans," though most of the time lacking teeth, can act as agents who are trustworthy among the relevant parties and make bargains. Robert Axelrod in *The Evolution of Cooperation* argues that reciprocal tit-for-tat is the optimal strategy that evolves through agents' interactions of social cooperation.²²⁸ To further common interests through reciprocity, social norms or institutions have to serve as the agents or guarantors among state exchanges. The Prisoner's Dilemma is the explanation tool of game theory to illustrate this cooperation situation and its solutions,²²⁹ while George Akerlof's *The Market for "Lemons": Quality Uncertainty and the Market Mechanism* or Coase's *The Nature of the Firm* all propose the more or less similar idea that institutions matter for the reduction of information and other transaction costs.²³⁰ As Coase argues, if the property rights institutions are defined clearly with no controversy, agents can reach agreements for their welfare. The task of property rights allocation is

²²⁷ Kai He, *Institutional Balancing in the Asia-Pacific: Economic Interdependence and China's Rise*, New York: Routledge, 2009.

²²⁸ Robert Axelrod, *The Evolution of Cooperation*, New York: Basic Books, 1984.

²²⁹ Victor Nee and Paul Ingram, "Embeddedness and Beyond: Institutions, Exchange and Social Structure."

²³⁰ George A. Akerlof, "The Market for 'Lemons': Quality Uncertainty and the Market Mechanism," *The Quarterly Journal of Economics* 1970, 84, 3, pp. 488-500; Ronald Coase, *The Nature of the Firm*,

assigned to contract law, the court, and the state, while the authority for international property rights definition is given to the international institutional system that is built by hegemonic states in the international system, as Keohane illustrates.²³¹ But as argued in Chapter 2, if we stretch the space and time dimensions that an institution applies in, how can we make every state accept the allocation of international property rights set by one international institution? Therefore, we need to discover the limits and boundaries of an international institution's autonomy and capability. It is in these cracks among institutions where we can find the secrets of states' international compliance. The intention here is not to refute the workings of the reciprocity mechanism in state compliance with international rules, but to argue that various logics of reciprocity might have effects within one institution and among institutions in different zones of governance, and that the same state may have different logics of reciprocity in different time periods, just as a state's national interest is also relational and fluid in international social life.

Based on the above arguments, efficiency logic mechanisms for international compliance have the same limitations when facing international institutional divergence. For instance, the reputation mechanism supposes that states are willing to be tied within international institutions because within these constraints they can claim more national interests in the long term. But with multiple international institutions to choose from and different institutional arrangements that bring about various reputation rewards, how should a state decide which institution to comply with? What are the consequences if a state jumps from one rule to another, and how will its institutional choice change in relation to domestic and international audiences? How is reputation capital distributed among different international institutions? With the changing of international environment, what if like-minded states cannot maintain their bonds and common identities, and some have the chance to build another institutional arrangement that can also provide them with international reputation to some extent?

Credible commitment is another mechanism for international compliance following the efficiency logic. It argues that states participate and comply with international rules to signify to various international and domestic audiences that they are credible partners in some issue

²³¹ Robert Keohane, *After Hegemony*.

areas by aligning with the third-party international institutions.²³² But in the context of international institutional divergence, if several international institutions all have the capability to signify effective signals within the institutional complexes, how should a state choose among these supporting media in international society?

From the structural side, constructivism, which applies sociological legitimacy as an explanatory logic in international society, has similar problems when placing its compliance mechanisms in the context of international institutional divergence. In constructivism, international institutions are the agents who teach a state how to behave in international society.²³³ The fundamental instructional objective is to transform state preferences and convert their national interests so that their foreign and domestic policies will be identical with international norms. International compliance happens because states are nurtured and tamed in the atmosphere of an international normative environment that exerts subtle ideological and ideational pressures.²³⁴ After the socialization process, a state will gradually be transformed from an outsider and alien into an insider and peer. At first, a state may conduct international behaviour according to the international rules purely out of material interests. But step by step it may change its mindset to accept some discourses or actions because other peers are only saying and doing those things. In the end, a state will internalize some institutional requirements and accept these collective ideas as chips embedded within the deepest part of their brains.²³⁵ And it may even have the desire to transmit these institutional values to other people in other places to make them think as “we” do in a universal way. The constructivist explanation of states’ international compliance points out the importance of non-material motivations and international institutions’ socialization pressures in state compliance. But again this institutional context is too simple in its

²³² Beth A. Simmons and Allison Danner “Credible Commitments and the International Criminal Court,” *International Organization* 2010, 64, 2, pp. 225-256; Douglass C. North and Barry R. Weingast, “Constitutions and Commitment: The Evolution of Institutional Governing Public Choice in Seventeenth-Century England,” *The Journal of Economic History* 1989, 49, 4, pp. 803-832.

²³³ Martha Finnemore, “International Organizations as Teachers of Norms: UNESCO and Science Policy,” *International Organization* 1993, 47, 4, pp.565-598; “Norms, Culture, and World Politics: Insights from Sociology’s Institutionalism,” *International Organization* 1996, 50, 2, pp. 325-347.

²³⁴ Alastair Iain Johnston, “Treating International Institutions as Social Environments,” *International Studies Quarterly* 2001, 45, 4, pp. 487-515.

²³⁵ Martha Finnemore and Kathryn Sikkink, “*International Norm Dynamics and Political Change.*”

assumption of there being only one international institutional “teacher” that is unassailable and that teaches states as students how to think and how to behave in international society.²³⁶

This teaching metaphor is problematic in a number of ways. Firstly, if there is more than one teacher instructing in international society, whose guidance shall we follow? How can states as students distinguish between the several lecturers available and decide who will be their mentors? If they follow one teacher’s lead, what should they make of other teachers’ ideas that might be different from what their mentor has told them? Secondly, what are the teacher’s teaching methods? If the teacher only regards her own thoughts to be worth learning, she will not be a good mentor. A good teacher should have the vision to be self-taught while teaching her students. Can a student today become a teacher herself someday, somewhere? If the students cannot make that breakthrough and are always fixed in a position of being in need of enlightenment, if they cannot grow up and are always acting in a childish way, how can society be maintained and improved when the teachers retire? In two important articles on international norms, Amitav Acharya illustrates how Southeast Asian states filter international norms from the Western world with their own international institutions at the regional level, or actually create regional international norms and project these normative ideas to the global level in history and today. These two mechanisms used by Southeast Asian states are named “norm localization” and “norm subsidiarity” respectively.²³⁷ From a normative point of view, the single institution assumption in institutional and norm research in international relations theories may not be accidental. Methodological considerations such as this make institutional research more scientific and easier to operationalize. For another, existing studies of norms pay most of their attention to “good” and liberal international norms based on domestic liberal ideas. This is a sort of normative bias in essence and carries with it binary opposition and civilizational discipline that are unjust according to some scholars from the Third World.²³⁸

²³⁶ Charlotte Epstein, “*Stop Telling Us How to Behave: Socialization or Infantilization?*”

²³⁷ Amitav Acharya, “Norm Subsidiarity and Regional Orders: Sovereignty, Regionalism and Rule Making in the Third World,” *International Studies Quarterly* 2011, 55, pp. 95-123; “How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism,” *International Organization* 2004, 58, 2, pp. 239-275.

²³⁸ Su Changhe (苏长和), “The Possibility of Gongsheng International System: How to Build a New Type of New Countries Relations in a Multi-Polar World (共生型国际体系的可能: 在一个多极世界中如何构建新型大国关系),” *World Economics and Politics (世界经济与政治)* 2013, 9, pp. 4-22.

Against this general background of the existing studies on international institutions, the concrete mechanisms from constructivist theories of states' international compliance are met with challenges. For instance, Martha Finnemore and Kathryn Sikkink and others have put forward the "boomerang" model to explain how international norms transmit on the one hand and state compliance with norms on the other. They argue that domestic non-state actors can align with transnational actors to change an autocratic government's human rights policies according to international norms. Though domestic ruling elites at first may change their human rights regulations for the social rewards without truly believing in the normative values, once they to some extent liberate the society under the pressures of domestic and transnational actors' collective action, there may be no way of turning the established normative changes back.²³⁹ Beth Simmons's domestic political theory of international compliance also emphasizes international human rights institutions' possible domestic effects. Through the concrete processes of altering the national agenda, leveraging litigation, and empowering political mobilization, international institutions can improve domestic human rights conditions.²⁴⁰ While coming from a rational choice background, Xinyuan Dai explains states' international compliance by exploring the domestic distribution and mobilization effects of international institutions that in fact following a similar logic as the abovementioned works.²⁴¹ As a matter of fact, the above transnational linkage politics that may give impetus to states' international compliance are more or less similar to Robert Keohane and Joseph Nye's complex interdependence model that emphasizes the use of multiple channels of action between societies in interstate, transgovernmental, and transnational relations.²⁴² New generations of scholars simply pour international institutions

²³⁹ Thomas Risse, Stephen Ropp and Kathryn Sikkink eds., *The Power of Human Rights: International Norms and Domestic Change*, Cambridge: Cambridge University Press, 1999; Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*, Ithaca: Cornell University Press, 1998.

²⁴⁰ Beth Simmons, *Mobilizing Human Rights: International Law in Domestic Politics*, New York: Cambridge University Press; 2009.

²⁴¹ Xinyuan Dai, *International Institutions and National Policies*. The process mechanisms explaining the effects of international institutions and norms by Rationalism and Constructivism theories are concurring, as discussed before. For instance, the book on international socialization edited by Jeffrey Checkel includes also the low level socialization, such as material interest pursuit and social influence, in their theoretical framework, besides some other high level socialization mechanisms like persuasion or identification. Constructivism's explanation to a great degree borrows frameworks from social movement theories where rational choice ingredients are included. The reconciliation of research agendas and theories also echoes the appeal for analytic eclecticism in international relations theories. One of the most important perspectives to observe the fusing of Rationalism and Constructivism is actually another theoretical paradigm, namely liberalism. All of these theories generally intend to build a peace zone of democracy and rule of law, which reflects their normative foundation of liberalism.

²⁴² Robert Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition*, Boston: Little, Brown, 1977.

and norms into these transnational linking channels to understand the politics of international–domestic institutional interactions.

Constructivist studies on international institutional effects and state compliance generally focus on the workings of international human rights institutions and norms. Though these ideas have not wholly emanated from the Western world, they undoubtedly reflect the human rights and moral values to a large degree of these parts of the world. The value identification of human rights is a world trend, but in the detailed understanding and interpretation of it, remarkable differences have been revealed as it flows to different parts of the global society. Local understanding of basic political concepts and aspirations like sovereignty, democracy, and other ideas also demonstrate local features, though the general political and economic current working in the global system cannot be resisted. On the burgeoning issue areas in world politics, cyber governance, anti-terrorism, financial regulation, outer space, and polar region exploration and development aid, for instance, different regions and states, even different states within the East and West and the North and South, and the existing and emerging power blocks, have various institutional preferences at both domestic and international level that are conveyed and contested. Normatively, this is not a moral analysis to determine which international institutions are closer to an ideal standard of social justice and fairness. In fact, the agents who promote some universal values and norms might be the incarnations of justice, but the states or actors who resist or echo some international norms are not themselves sinister apparitions, and vice versa.

What needs emphasizing here is that the mechanisms of states' international compliance in constructivist theories known as the boomerang model has deficiencies in its assumption of international institutions or norms. And this single-institution assumption limits their explanatory power of state compliance motivations accordingly. Some normative bias exists here which neglects the interactions among multiple international institutions and their possible influences on states' institutional choice and international compliance. Though in this chapter we only focus on the consequences of international institutional divergence at the international level, we can imagine the more complex and interdependent alliance formations, splits and collisions around multiple international institutions if the existing international institutional environment is loosened. Against this background of international institutional

divergence, the various collisions of interests, ideas and power should be plural and multifaceted, and another picture of states' international compliance with and violation of international institutions will appear.

International compliance when institutions are divergent

In Chapter 1 we discussed the possible scenarios when international formal and informal institutions interact. Chapter 2 illustrated the origins and specific forms of international institutional divergence, while considering that the interaction between international formal and informal institutions is only one manifestation of institutional divergence in international society. In Chapter 1, Yusheng Peng's model of formal and informal institutional interaction was applied for international institutional interaction. In fact, these interactive mechanisms can be used in any specific form of institutional interactions. This thesis treats the interactive institutional environment as the international structural backdrop for its analysis of the international compliance of states. In dynamic and complicated institutional contexts, the reliability of existing compliance mechanisms needs to be evaluated and institutional interactive dynamics have to be introduced to fully comprehend international compliance.

Before conducting our specific analysis under international institutional divergence, some conceptual and definitional assumptions and descriptions need to be noted. Firstly, the state is the basic unit of analysis. We know that nation states are struggling and are in a relatively embarrassing position in the globalized world today. In fact, in ancient China there was no such conception or awareness of the state, sovereignty, and other related factors, while Europe is now undergoing some subtle institutional changes that might transform the social organization of nation-state based on the Westphalian system. In the future, other polities with alternative forms and scales, rather than the sovereign state model, might emerge from the great transformation of the current international system. State autonomy and independence are hugely different in different regions, in various issue areas, and in different time periods. Some argue the state is out of date for the interdependent world, while others point out the great pressures that non-state actors exert on the traditional sovereign authorities

controlled by nation-states. But many still regard the state as the backbone for the organization of international and domestic political, economic and social lives. In actuality, the state is a process and a variable instead of a rigid entity and myth. Its capabilities will extend and retract with its interactions with other states in the international system and societies in domestic politics, though on some occasions it may not be that sensitive and flexible. This chapter will treat state as the agent working in international system governed by international institutions, while well aware that domestic and transnational politics are vitally important in the evolution of international institutional processes.

Secondly, Chapter 2 discussed the possible forms of international institutional divergence, and one important dimension of this divergence occurs along the level of analysis. From a village to the global society, institutions are needed for social organization. In this chapter, we only focus on institutional arrangements at the international level, and this choice is closely related to the above assumption that treats the state as the basic unit of international institutional analysis. Vertical international institutional divergence and translevel institutional interactions indeed are important institutional political processes that need to be probed, but to make our analysis simple, this thesis examines the institutional divergence that happens at the horizontal layer only, namely interactions between institutional arrangements at the international level. The author is aware of the calls to take off the “Westphalia straitjacket” and its derivative thinking that focuses solely on the nation-state instead of the broader picture of world politics. Though their outcomes and autonomy are diversified, institutions at various levels are experiencing effects from much the same casual mechanisms in essence. While focusing on the international institutional context, this chapter avoids the conventional institutional assumption in compliance studies: it explores state compliance in an interactive system of international institutions instead of only one international institution or norm which is presumed to be a constant and static variable.

Lastly, after making the state the basic unit of analysis in the complicated international institutional context where institutions are interacting in an endless process, we should also clarify the state’s logic of social action in the international system. Two related questions need to be considered here. The first is where a state’s national interest comes from, and the second is what the driving forces that give impetus to a state’s interactions are. When a state

is living a collective life in international society, it firstly has to confirm what it is living for and through what means it will get what it wants. National interests are generated through dynamic interactions with other states,²⁴³ and the constantly changing international institutional environment a state lives within.²⁴⁴ The improper assumption by realists that rational states are concerned only with physical interests does not need to be refuted here since it has much criticized already. States naturally are rational, but their rationality is a variable instead of a constant factor in the international system. States also are self-interested, but altruistic behaviours may be in the national interest for some states because based on certain identities these “irrational” actions can also satisfy their interests. Thus national interests should not be presumed but discovered in a state’s living institutions and cognitive processes. National interest in this thesis is defined as a relational concept, which is changing in a process though the social exchanges among states in various institutions backgrounds. This is not to deny that national interest at a particular time and context can be stable and controllable, but that in the long term we should observe it with an open mind. It can be moulded and transformed, and it may have different implications for different states and lead to various actions when a state contacts various actors.

What measures can states take to pursue their interest? Two logics of social action are operating in the international system. States on the one hand can use them as instruments, and on the other be influenced by other state’s applications of them. The basic forces that drive social actions and processes are power and trust, respectively. Power is a vertical social relation that states use to get other states do what they do not want to do otherwise, or to stop behaviours that may do harm to the former’s relational national interests. Power can be practised through both material and spiritual instruments. Trust on the other hand is a soft social element that works through co-option and persuasion, instead of the naked stick-and-carrot style of power projection. Trust usually is a horizontal social relation that takes effect through the mechanism of empathy among states. With some common customs, knowledge and identities, states can subtly and tacitly change each other’s behaviours for the realization of relational interest.

²⁴³ Suppose state is the only kind of social actor in international system.

²⁴⁴ Domestic political life is also where national interests are nurtured, but here we assume this fact away and treat a state has its complete personality in international interactions.

With the above assumptions and illustrations, we can adopt the interaction mechanisms of international formal and informal institutions discussed in Chapter 1 to put forward a simple model of international institutional divergence. Though many international institutions may interact at the same time under some conditions, here, again for the convenience of analysis, we deal only with two institutional arrangements. International institutions A and B may come from the same issue area, or they may belong to different areas of global public problems. While having their distinct purposes and modes of operation, they need to interact for the governance of some global issues. Through the interactive effects of their institutional provisions of prescription, proscription and absence, states' institutional choice and compliance decision making are significantly influenced, and subsequently themselves may be changed by different degrees accordingly. Without consideration of the pure anarchic situation in real international politics, we can have four circumstances after putting A and B into the interactive environment. In this complex institutional background, how can we gauge a state's international compliance? This will be explored in the next section.

One major difficulty in international compliance research is the so-called endogeneity problem. This argues that even without the constraints of international institutions, states will still choose the same international or domestic policies. International institutions are only confirmations of existing state behaviours. And thus cooperation under international institutions is simply shallow and voluntary. Institutions can work only when states find some common mechanism to gain their joint interests.²⁴⁵ Once national interests are in conflict, institutions will collapse because they are only the by-products of a state's power and interest considerations. This is actually the main criticism of the famous notion that states comply with most international agreements most of the time.²⁴⁶ International compliance can indeed be managed by means such as communication, international aid, and persuasion,²⁴⁷ but these methods can only be effective with a state's voluntary participation for national interests.²⁴⁸ Indeed common interest cannot be neglected in the efficient functioning of international

²⁴⁵ George W. Downs, David M. Rocke, and Peter N. Barsoom, "Is the Good News about Compliance Good News about Cooperation?" *International Organization* 1996, 50, 3, pp. 379-406; Eric Posner and Jack Goldsmith, *The Limits of International Law*, New York: Oxford University Press, 2005.

²⁴⁶ Louis Henkin, *How Nations Behave: Law and Foreign Policy*, New York, NY: Columbia University Press, 1979.

²⁴⁷ Abram Chayes and Antonia Handler Chayes, "On Compliance," *International Organization* 1993, 47, 2, pp. 175-205.

²⁴⁸ States can be forced to be "voluntary" sometimes.

institutions, but how can we evaluate institutions' role in the maintenance of social order? In a world where only international institution A or institution B regulates a state's political life and where A and B are functioning in a congruent way, it is hard to solve this problem of endogeneity. But if we remove the assumption of one international institution when exploring state compliance, and if institution A and B are in conflicting relations, we may to some degree discover some rationale for state compliance and institutions' real effects. International institutions A and B can be regarded as the mirror for each other. The supporters of institution A will confront resistance from institution B's promoters, and B's effects will be reflected in A's existence. Just as some states will emphasize that A is more efficient or legitimate than B, institution B's constraining influences are shown in A's revolt that carried out by the state entrepreneurs supporting institution A. Thus, under international institutional divergence, we can in some ways mitigate the endogeneity problem in explaining states' international compliance.

Who is complying with whose international rules?

After the Second World War, with the development of interdependent relations in a global society and the rapid advancement of communication technologies, various regions and states get deeply and closely connected and their fortunes are based on their collective action to distribute global public resources and cope with global public problems. International institutions at different levels and issue areas are established to lubricate state exchanges and mitigate their common threats. Institution building in international society gradually snowballs scholars have invented terms like "regime complex" and "institutional contestation" to describe the complicated international institutional contexts where multiple and multilevel institutions are linked in a chain.²⁴⁹ International institution building and reforming is still a crucial question for global governance and international order, but how to balance the diversified international institutions and maintain relatively harmonious relations among them in global society today should be added to the research agenda of international institutional analysis. In this complicated international institutional environment, if we have

²⁴⁹ Fariborz Zelli and Harro van Asselt, *The Institutional Fragmentation of Global Environmental Governance: Causes, Consequences, and Responses*; Kal Raustiala and David G. Victor, *The Regime Complex for Plant Genetic Resources*.

more than one institutional arrangement available for international and global governance, how will states; institutional choice in general and international compliance in particular be influenced? How should international institutions adjust themselves to cope with the changing international ecology? This section explores state compliance in terms of international institutional divergence. The impacts of international institutional divergence on international institutional change will be discussed in Chapter 5.

International institutions themselves are always changing, and their transformations greatly influence states' international compliance. State compliance on the other hand can push the transformation of international institutions. For the convenience of analysis, here we only focus on three critical moments of international institution A's and institution B's interactions, as outlined in Chapter 1. These are moments when A or B solely owns the privilege of governance or regulation respectively; when A and B are in congruence; and when A and B are in conflict. As illustrated in Chapter 1, A and B's interactive nexus is usually not exclusive, and they are often interdependent and correlative in an endless adjusting process. Under certain conditions, one institution may have the capability to eliminate another. But the winning institution itself will become the object of transformation or even become extinct itself. In the complicated interactive process of A and B, we only abstract their ideal-type relations, and in these situations of institutional divergence, the question of states' international compliance will be inserted. In addition, it should be noted that the forms of interaction between institution A and B are only the surface of institutional politics in the international system. It is the workings of relational national interests, balance-of-power resources, and the social capital accumulation and dissipation that are determining the possible trends and directions of states' international compliance choices. And lastly, we also assume that state X is a member of international institution A and that X roughly complies with the regulations of A, regardless of whether X's compliance decision is because of the pressures from other states or joint interests that A may help provide, or its normative identification with institution A. Below we illustrate a state's compliance situation within the international institutional divergence framework.

When international institution A monopolizes the governance power, existing compliance theories can help explain state X's motivations in its compliance with A's regulations from

their specific perspectives. In various contexts, power, interest and identity's influences in explaining state compliance will be mixed in different proportions.²⁵⁰ X's attitude towards A is always changing in the long term, while A's transformation can have impacts on X's institutional choice: X and A are mutually constitutive. For instance, when we discuss China's complicated interactions with international institutions, we generally agree that China's compliance in international institutions in economic, social or cultural issue areas must have diverse motivations.²⁵¹ And its compliance or institutional choices will be adjusted in different periods. On the other hand, many international institutions themselves are transformed because of China's participation. This simple description of China's international institutional choice is based on the presumption that there is only one institution or institutional system in different issue areas for China to choose or change. In a word, if we only fix on the constant A, existing compliance theories can provide many useful explanations for X's international compliance or violation.²⁵² The situation where only international institution B is dominant can be analyzed by the same logic.

When international institutions A and B are working in a congruent way, unless state X is forced to join institution A, or it has no choice but to join to avoid the worst situation, its compliance should more or less be similar to the situation when only institution A is making and enforcing rules. And if X participates in A out of interest-distribution or self-identification reasons, the emergence of B will be quite possibly welcomed by X. The synergetic governance of A and B can protect and realize national interest through leverage in the institutional cluster and are more powerful together than alone. And if X is coerced or reluctant to join A, the rise of B cannot provide new institutional alternatives for it. To the contrary, B will strengthen the existing institutional system's consistence and tenacity and X would be under even more institutional pressures. Under this circumstance, A and B form a nested and mutually reinforcing system where the governance structure will be more effective

²⁵⁰ Jonas Tallberg, "Paths to Compliance: Enforcement, Management, and the European Union," *International Organization* 2002, 56, 3, pp. 609-643; Iain Hurd, "Legitimacy and Authority in International Politics," *International Organization* 1999, 53, 2, pp. 379-408.

²⁵¹ Gerald Chan, *China's Compliance in Global Affairs: Trade, Arms Control, Environmental Protection, Human Rights*, Singapore: World Scientific Publishing, 2006.

²⁵² Even if there is no competing or coordinating formal international institutions affect institution A, the existence of informal institutions means that our assumption that there is only one institutional arrangement for the governing of an international issue is highly unrealistic. Thus, international institutional divergence is the fundamental feature of a living institution that cannot be overcome. Institutions are one-sided most of the time, though they can be extremely sophisticated. And only in the spaces between institutions can we better understand the motivations for states' compliance with international rules.

and potent. But from a compliance perspective focusing on the agent's choice, it would be similar to the situation where only A has the exclusive governance authority. A and B can be regarded as a combined institutional nexus and a state's compliance to these institutions can be explained by the conventional compliance theories.

America's compliance with the G8 and OECD can roughly be used to analyze how institutions' congruence can influence states' compliance. The G8 and the OECD have a very close partnership relation in which top OECD officials meet periodically with the personal representatives of the G8 leaders. All members of the G8 except Russia are also parties of the OECD, though the G8 countries' power is much greater than other OECD countries'. These two international institutions are in great confluence with each other in their agenda setting, policy design, evaluation and enforcement. Therefore, it is relatively easy for America to promote or implement the institutional arrangements made by these institutions. Due to the congruence of institutional values, existing compliance theories can well explain America's institutional choice in these two international institutions.

However, when international institutions A and B collide in their regulation rules, state X's compliance will be affected hugely compared with the situation where only A governs. Though X's motivations for institutions and other related actors are the same from the perspective of social actions, its compliance mechanism will be totally different and more complicated in the international institutional context. More intricate mechanism analysis is needed to understand states' compliance here. B's appearance in international society provides an alternative institutional choice for X. Along the Pareto frontier, big powers may create A, but they may not have the capability to maintain A as the only institutional arrangement for states to choose. This applies even more so if A evolved spontaneously instead of by coercion. With the moving of social conditions, B emerges and coexists together with A in international society. Though weak at the beginning of its life, B always has the potential to grow and challenge A's governance authority. And when B finally establishes itself in international system, X may still comply with A's regulations, but its compliance choice may face the pressure for a change in the new institutional environment.

Supposing state X still holds its compliance choice within international institution A, it will need to find ways to avoid the possible losses it might suffer with the functioning of the new international institution B. Under the current situation in the international institutional development, B's appearance and maturation is impossible to get rid of. We now introduce state Y to explore the potential changes of international institutions and states' compliance. If X has to bear losses because of the new institutional complexity, we can infer that B has a certain level of effectiveness and legitimacy delegated by Y and its allies compared with institution A. Or else B cannot to some degree challenge the authority of the governance of A. In this new institutional political environment, if X gradually prefers the regulation stipulated by the new international institution, and if it masters enough relational power to resist the social pressures exerted from A and its supporting states, it will withdraw from A to join B. Under these circumstances, the existing compliance mechanisms on reputation, reciprocity or persuasion will be transformed and become extremely more complicated than in the former institutional context where only A existed. These explanatory variables are still working, but they will be functioning in a different way because of the emerging institutional political change. Power and interests will be redistributed and reorganized domestically, internationally and in the transnational social spaces. A state's international compliance accordingly will become blurred and hard to control because of the huge impacts stemming from multiple international institutions instead of just one.²⁵³

Japan's institutional choices concerning international whaling institutions is a vivid example of a how a state's international compliance operates when international institutions are in conflict. After tremendous transformations, the formal international whaling institution today has evolved from an international rule regulating states' commercial interests in their international whaling activities to an institution that prohibits states from any commercial whaling based on scientific, moral and emotional factors. Japan, as a traditional whaling country, joined the International Whaling Commission (IWC) in 1951. Since then, it has been

²⁵³ Domestic and transnational actors have more institutional choices with the complication of international institutions. This part only focuses on the divergence of institutions at the international level and its influences toward the compliance of a single state. The impacts of complex international institutions toward domestic institutions and the interactions of domestic and transnational agents should be one important research agenda for the analysis of the relations between state and international institutions. Conventional studies of the domestic effects of international institutions tend to keep one international institution or norm as the constant interdependent variable; this choice neglects the international institutional divergence's potential influences to the nexus of domestic and transnational political dynamics.

whaling out of cultural, strategic and domestic bureaucratic reasons. After the international moratorium took effect in 1986, Japan has been conducting whaling in the name of “scientific whaling” which is allowed according to the IWC convention, but its whaling activities are fiercely opposed by many Western governments and domestic and transnational non-governmental organizations. Against this background, Japan and other like-minded states like Norway, and other developing countries and pro-whaling domestic and transnational organizations, are mobilizing to end the moratorium in the IWC’s annual meetings. These pro-whaling actors are promoting an opposing whaling institution that is based on scientific, cultural, sovereign and indigenous considerations.²⁵⁴ This conflicting institution aims to antagonize the existing formal institution forbidding whaling supported by states like Australia and New Zealand and non-governmental organizations like Greenpeace. Though constantly threatening to exit the IWC, Japan chooses to stay inside and facilitate a new international institution or norm that allows whaling. But is Japan inside or outside? This is an intricate question. Anti-whaling states and non-state actors treat whales as a special species that has its own right to survive, while pro-whaling communities regard their whaling activities as traditions to be respected. Anti- and pro-whaling states cannot change each other’s minds and each group’s institutional values are coexisting in deadlock. Therefore, following various institutional preferences, states, international organizations, and non-state organizations are dividing and aligning in various forms. No single international institution can satisfy all states in international society where many cultures and institutions are living together. And under the challenges and expansions by different states and non-state actors, international institutions’ operating systems and states’ compliance become extremely hybrid and vague. In essence, this is due to the international institutional divergence that is happening all over international society.

In fact, the divergence of institutions is also happening in domestic society, where institutional choices and social norm evolution no less complicated. Consider the case of the dog-eating festival in Yulin, Guangxi Province, China. Animal rights activists regard dog-eating as inhumane, but many locals think their opinion an unwarranted moral stand against a deep-rooted and legal tradition. Groups with opposing norms campaign and argue on social media and in the streets. Which norm is right and can it be universalized to all parts of the

²⁵⁴ Jennifer L. Bailey, “Arrested development: The Fight to End Commercial Whaling as a Case of Failed Norm Change,” *European Journal of International Relations* 2008, 14, 2, pp. 289-318.

society? Norm integration can only be realized after the disappearance of institutional divergence. With institutions dividing and multiplying in a perpetual process, actors' compliance and institutional choice subsequently and inevitably are becoming divergent and plural. Thus, is Japan complying with or violating the international rules made by the IWC? The answer is both yes and no. Obviously the existing mechanisms in compliance theories cannot give a comprehensive illustration for international compliance in an interactive and divergent international institutional environment.

Conclusion

This chapter has pointed out how international institutional divergence challenges the conventional understanding of state compliance theories. States exist in interdependent and complicated institutional complexes in international society, thus to understand the international compliance of states from the assumption of a single international institution can no longer explain comprehensively the realities of the institutional choices of states against the backdrop of interacting international institutions. Thus, we need to decompose and reorganize the existing compliance mechanisms, and place them into the broadened international institutional environment. Only by putting states within the context of international institutional divergence can we really comprehend how states are complying with or violating international rules from a multiple institutional perspective. In addition, conflicting scenarios in international institutional interaction and divergence can to some degree reveal international institutional effects from the contrasting and mirroring of opposing international institutions. Discovering international institutional effects from this perspective may mitigate the endogeneity problem in international compliance studies.

CHAPTER 4 STATE WITHDRAWAL FROM INTERNATIONAL INSTITUTIONS: CHANGING SOCIAL RELATIONS WITHIN DIVERGENT INSTITUTIONS

Why do states withdraw from international institutions? This is an under-explored question in international institution research. International institutions play an essential role in contemporary global governance. International relations scholars try to understand and explain when and how international institutions can affect the international cooperation and global governance processes. Institutional formation and design, institutional effects and compliance, and institutional change are all being explored from different perspectives, but the possibility of state withdrawal from international institutions is often overlooked.

To understand the interaction between states and international institutions realistically and comprehensively, an explanation of state withdrawal from international institutions is needed. States not only join international institutions in which they either comply with or ignore international rules; they also have the choice of exiting those institutions.²⁵⁵ The explanation of their rationale for the latter action has implications for international institutional development and global governance, and international order. This chapter aims to provide an explanatory framework for states' withdrawal from international institutions in an environment of international institutional divergence. The interaction of social relations and institutions is adopted as a theoretical background for the understanding of the rationale of state withdrawal from international institutions.

The specific institution focused on in this chapter is the International Whaling Commission (IWC). During the evolution of this international inter-governmental organization, its membership has undergone many transitions, and member states' have withdrawn 21 times.²⁵⁶ State withdrawal from international institutions can be regarded as one important

²⁵⁵ Institutions are sets of norms and rules that govern agents' interactions under diversified social conditions. Institutions are the rules of the game that enable and constrain agents, while organizations are the player of the game which reflect the norms and rules of institutions. Analytically, organizations are not part of institutions.

²⁵⁶ This is only the number of withdrawals from the organization of the IWC, while states' objections to some specific schedules excluded. The latter is treated as partial withdrawal from international institutions in this chapter.

consequence of international institutional divergence. Before the outlining of the framework, the chapter discusses the importance of this question and prior research on states' withdrawal from international institutions. Using the framework, the chapter then analyses a series of state withdrawals from the IWC as a case study.

Why exit matters

Why do states withdraw from international institutions, and why do agents exit from institutions generally? This is an under-explored question in international institution research in international relations, and institutional analysis in social sciences. International affairs were gradually legalized and institutionalized after the Second World War.²⁵⁷ According to some liberal international relations scholars, international institutions are essential for international cooperation, global governance and international order.²⁵⁸ Institutions almost exist in every domain of the global governance practices, from international security, international trade and finance, global environmental protection, to global public health. Scholars of international relations have been exploring the topics of how international institutions matter: why states join them, why they comply with and cheat on the international rules, and on the other hand how international institutions constrain and enable states, and then how they can help promote international cooperation and order.²⁵⁹

Such research greatly enhances our understanding of international institutions and cooperation. But one possibility is missed out in the study of the relationship between states and international institutions: states sometimes withdraw from international institutions. States join in international cooperation and institutions for diversified reasons, and during

²⁵⁷ Judith Goldstein, Miles Kahler, Robert O. Keohane, and Anne-Marie Slaughter, "Introduction: Legalization and World Politics," *International Organization* 2000, 54, 3, pp. 385-399.

²⁵⁸ Helen V. Milner and Andrew Moravcsik eds., *Power, Interdependence, and Nonstate Actors in World Politics*; Robert O. Keohane, *After Hegemony*; G. John Ikenberry, *After Victory*.

²⁵⁹ Beth A. Simmons and Lisa L. Martin, "International Organizations and Institutions," in Walter Carlsnaes, et al., *Handbook of International Relations*, London: Sage, 2002, pp.192-211; Arthur A. Stein, "Neoliberal Institutionalism," in Reus-Smit, Christian, and Duncan Snidal. *The Oxford Handbook of International Relations*. Oxford: Oxford University Press, 2008. Oxford Handbooks Online. Oxford University Press. 27 August 2011. <<http://dx.doi.org/10.1093/oxfordhb/9780199219322.001.0001>>

these processes they may comply with or defect from international rules.²⁶⁰ However, this is not the whole picture. States have the sovereign right to exit international institutions, and sometimes they do leave them.²⁶¹ According to international law, withdrawing from international institutions indicates the act by which a state unilaterally quits its membership in a treaty (including a treaty that establishes an inter-governmental organization) pursuant to the terms of the treaty providing for such denunciation or withdrawal. According to the conclusion of Laurence R. Helfer, an international law scholar, since 1975, a state has withdrawn from a multilateral agreement once every ten days on average; and from 1945 to 2004, there were totally 1547 denunciations and withdrawals from all multilateral treaties registered with the United Nations.²⁶² Moreover, if we broaden the scope of international institutions to bring in informal international institutions and other institutions at different level with various forms, besides the formal international treaties and agreements, and if we consider other forms of state withdrawal, such as states' temporary and partial exit, a more complicated and diverse picture of state exit will reveal. Of course, depending on a state's position in the international system and the issue area the institution belongs to, the political significance of states' exit behaviour is varied. We have theories to explain state participation in international institutions, but it seems that we do not have explanations of why states exit institutions. This void should be analysed in the aim of helping understand the interaction of states and international institutions fully and realistically.

²⁶⁰ Beth Simmons, "Treaty Compliance and Violation," *Annual Review of Political Science* 2010, 13, pp. 273-296; Jana von Stein, "International Law: Understanding Compliance and Enforcement," *The International Studies Encyclopedia*. Denmark, Robert A. Blackwell Publishing, 2010. Blackwell Reference Online. 08 April 2010

<http://www.isacompendium.com/subscriber/tocnode?id=g9781444336597_chunk_g978144433659711_ss1-33>

²⁶¹ On the other hand, international organizations may exclude member states if they fail to meet the membership requirements. This thesis only deals with the situation of states' unilateral withdrawal their membership in international institutions. On the exclusion of states from international organizations, see Alison Duxbury, *The Participation of States in International Organizations: The Role of Human Rights and Democracy*, New York: Cambridge University Press, 2011. In addition, this study will not discuss the situation of states' withdrawal from customary international law, which is another main source of international law, and the conventional wisdom is that nations never have the legal right to withdraw unilaterally from this type of international law, see Curtis A. Bradley and Mitu Gulati, "Withdrawing from International Custom," *The Yale Law Journal* 2010, 120, pp. 202-275.

²⁶² "Withdrawal" and "denunciation" have the same meaning in international law, and I will use them and "exit" interchangeably. I will focus on states' withdrawal from multilateral international institutions, not the bilateral ones. See Laurence R. Helfer, "Exiting Treaties," *Virginia Law Review* 2005, 91, 7, pp. 1579-1648; also see Su Changhe (苏长和), "中国外交研究中的新议程(New Agendas in Chinese Foreign Policy Study)," *国际观察 (International Review)* (Shanghai) 2010, No. 1, p. 12.

From the policy side, since international institutions are pivotal instruments for the cooperation among states in the international system,²⁶³ understanding state exit has implications toward global governance and international order. International institutions are designed by states and evolved among state interactions to deal with global public problems.²⁶⁴ In the process of providing global public goods or reducing public bads, the participation of key players is very important. Cheating within international institutions apparently is one of the key problems that scholars and decision-makers need to face seriously.²⁶⁵ However, apart from the solving of the noncompliance problem by both enforcement and management mechanisms, the guarantee of key players' participation is equally important. Especially in the governing of common pool resource problems²⁶⁶, the international whaling governance for instance, key countries' participation or exit is vital toward the governance effects and processes. To sum it up, key players' non-participation or exit will cause a global governance gap in some issue areas,²⁶⁷ and big powers' exit from essential international institutions may even cause international systematic disorder, as happened in the last century.²⁶⁸ Germany and Japan's withdrawals from the League of the Nations in the last century indicated the international systematic turbulence that finally led to the First World War, while Eastern European states' withdrawals from the Soviet Bloc at the end period of the Cold War demonstrated another round of transformation of the international system. Thus the understanding of the rationale of state withdrawal from

²⁶³ On the other hand, international institutions, especially international organizations have their own autonomy to different degrees after establishment, see Michael Barnett and Martha Finnemore, *Rules for the World: International Organization in Global Politics*, Ithaca: Cornell University Press, 2004.

²⁶⁴ Barbara Koremenos, Charles Lipson, and Duncan Snidal, "The Rational Design of International Institutions," *International Organization* 2001, 55, pp. 761-799; Alexander Wendt, "Driving with the Rearview Mirror: On the Rational Science of Institutional Design," *International Organization* 2001, 55, 4, pp. 1019-1049.

²⁶⁵ Jonas Tallberg, "Paths to Compliance: Enforcement, Management, and the European Union," *International Organization* 2002, 56, 3, pp. 609-643; George W. Downs, David M. Rocke, and Peter N. Barsoom, "Is the Good News about Compliance Good News about Cooperation," *International Organization* 1996, 50, 3, pp. 379-406; Abram Chayes and Antonia Handler Chayes, "On Compliance," *International Organization* 1993, 47, 2, pp. 175-205.

²⁶⁶ This will be discussed later; see Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action*, Cambridge; New York: Cambridge University Press, 1990.

²⁶⁷ Elizabeth R. DeSombre discussed different actors' non-participation in global environmental governance arrangements in several works. See Elizabeth R. DeSombre, "The United States and Global Environmental Politics: Domestic sources of U.S. Unilateralism," in *The Global Environment: Institutions, Law, and Policy*, edited by Regina S Axelrod; Stacy D VanDeveer; David Leonard Downie, Washington, DC: CQ Press, 2011, pp. 192-212; Elizabeth R. DeSombre, *The Global Environment and World Politics*. New York: Continuum International Publishing Group, 2007; Elizabeth R. Desombre, "Emerging Issues and Future Directions," in *Global Environmental Institutions*, London and New York: Routledge, 2006, pp. 155-174. Also see Kal Raustiala, "Domestic Institutions and International Regulatory Cooperation: Comparative Responses to the Convention on Biological Diversity," *World Politics*, 1997, 49, 4, pp. 482-509.

²⁶⁸ Su Changhe, 'Zhong Guo Wai Jiao Yan Jiu Zhong De Xin Yi Cheng.'

international institutions provides an important perspective to evaluate the global governance process and international order maintenance.

Institutional analysis in social sciences generally has not explained the question of agents' exit from institutions systematically. Rational choice, historical and sociological institutionalism theories have explored the themes of institutions building, maintenance and change, analysed the interdependent relations between agents and institutions.²⁶⁹ However, the possibility of agent exit from institutions is also overlooked by institutional scholars.²⁷⁰ This research using state exit from the IWC as case studies can connect international relations studies of international institutions with institutional analysis in political science, or even social sciences broadly. In addition, by focusing on the interaction of social relations and institutions, this thesis can shed new light on our understanding of institutions' role in international society.

Prior studies

(1) General studies

Several earlier experimental studies discuss the influences of agents' exit option toward cooperation and social order.²⁷¹ These studies study exit's impacts on cooperation and do not

²⁶⁹ John L. Campbell, *Institutional Change and Globalization*, Princeton: Princeton University Press, 2004; Guy B. Peters, *Institutional Theory in Political Science: The New Institutionalism*, London: Pinter, 1999; Peter Hall and Rosemary C. R. Taylor, "Political Science and the Three New Institutionalisms," *Political Studies* 1996, XLIV, pp. 937-957.

²⁷⁰ Generally, I guess this might be related to the structural aspiration of institutional analysis, since the new institutionalisms are a rebellion against the behavioral revolution in political science. Specifically, historical and sociological institutionalism which emphasize path dependence and institutional isomorphism respectively obviously focus on structure's constraining power, while rational choice institutionalism caring about institutions' efficiency and function finds no reasons for agents' exit. It is justified for institutionalists to focus mainly on the structural side, but it cannot be denied that agents' exit is also an important question of institutional analysis.

²⁷¹ For a recent review, see Peter Kurrild-Klitgaard, "Exit, Collective Action and Polycentric Political Systems," *Public Choice* 2010, 143, 3-4, pp.339-352. Also see John M. Orbell, Peregrine Schwartz-Shea and Randy T. Simmons, "Do Cooperators Exit More Readily than Defectors?" *The American Political Science Review* 1984, 78, 1, pp.147-162; Rudolf Schuessler, "Exit Threats and Cooperation under Anonymity," *The Journal of Conflict Resolution* 1989, 33, 4, pp. 728-749; Robert Axelrod, "On Six Advances in Cooperation Theory," *Analyse & Kritik* 22/2000, pp. 130-151.

answer the rationale of agent withdrawal per se. Laurence R. Helfer first raises the question of exiting treaties systematically in his seminal research through a comprehensive interdisciplinary framework of international law and international relations. In this research, Helfer identifies some basic conceptual questions regarding treaty exit, such as the objectives and consequences of state withdrawal from international treaties, the distinctive characteristics of treaty exit compared to treaty breach and some other fundamental conceptual confusions. Helfer also tries to introduce exit into international cooperation and compliance from the perspectives of game theory and problem structure.²⁷² This important work lays a helpful conceptual foundation for the explanation of state withdrawal from international institutions. However, we still do not understand the exact rationale and mechanism of state withdrawal from international institutions. These questions need to be answered through well-designed case studies.

Some works by international relations scholars explore this question from an institutional design perspective. Barbara Koremenos and Allison Nau put forward a theoretical explanation of the factors that condition the design of withdrawal clauses in international agreements and test the hypotheses by large-n empirical analysis. From a rational and functional perspective, they believe withdrawal clauses are rationally and purposefully designed by states to overcome cooperation dilemmas; the variations in notice period and withdrawal waiting period in different international agreements are designed to mitigate enforcement and commitment problems in international cooperation.²⁷³ In the same vein, Peter B. Rosendorff and Helen V. Milner, in earlier research, suppose uncertainty in international politics will lead to the inclusion of flexibility mechanisms in international agreements. Facing exogenous shocks in domestic political uncertainty, international institutions will be designed to contain escape clauses which allow countries to temporarily break the rules for a short period and pay a cost for doing so. In addition, the introduction of escape clauses may positively make the conclusion of an agreement easier initially since they make the distributional effects less severe in the future.²⁷⁴

²⁷² Laurence R. Helfer, "Exiting Treaties."

²⁷³ Barbara Koremenos and Allison Nau, "Exit, no exit," *Duke Journal of Comparative & International Law* 2010, 21, 1, pp.81-119.

²⁷⁴ Peter B. Rosendorff and Helen V. Milner, "The Optimal Design of International Trade Institutions: Uncertainty and Escape," *International Organization* 2001, 55, 4, pp.829-857.

Realizing that the bargaining power among states are changing constantly, Timothy L. Meyer's recent research enriches the rational design approach by focusing on how states' expectations of power²⁷⁵ shifting affects the formal and substantive design of international agreements. He argues that states ("ascendant and declining state") must make a trade-off between the exit costs and the designing features of international agreements (provisions that affecting exit costs). An ascendant state has to choose between a greater share of benefits in the cooperation and a reduction in exit costs by the use of provisions in the agreement. As an international law scholar, Meyer insightfully inserts power analysis into the design of international institutions from a legal perspective.²⁷⁶ In all the above studies applying an institutional design approach, scholars mainly pay attention to agent's rational use of different flexibility mechanisms in the aim of resisting uncertainty, whereas states' exits from international institutions and the reasons that result in these decisions are exogenous. James D. Fearon models international cooperation as sequences of bargaining and enforcement periods.²⁷⁷ The institutional design perspective studies states' strategic interaction during the institutional bargaining period, while states' exits from international institutions in international life after institutional formation still need to be explained.²⁷⁸

An important work recently by Emilie Hafner-Burton, Laurence R. Helfer and Christopher J. Fariss offers a theory and evidence of which kinds of countries derogate international human rights treaties and the reasons for this escape in times of emergency. They argue that derogations are a rational response to domestic political uncertainty, while stable democratic states and countries with strong judiciaries derogate to buy time and reduce censure from voters, interest groups and judges. Indeed, as the authors point out in their conclusion, this research goes beyond the design structure of international institutions of flexibility mechanisms by investigating how international law works under what conditions.²⁷⁹ This

²⁷⁵ The bargaining power of a state is determined by its ability to credibly threaten to exit an international agreement.

²⁷⁶ Timothy L. Meyer, "Power, Exit Costs, and Renegotiation in International Law," *Harvard International Law Journal* 2010, 51, 2, pp.379-425.

²⁷⁷ James D. Fearon, "Bargaining, Enforcement, and International Cooperation," *International Organization* 1998, 52, 2, pp.269-305.

²⁷⁸ States' exits happen after states have become formal members of international institutions. Important states' non-participation in international institutions in the formation period also needs more research, sign without ratification of international agreements included.

²⁷⁹ Emilie Hafner-Burton, Laurence R. Helfer and Christopher J. Fariss, "*Emergency and Escape: Explaining Derogations from Human Rights Treaties*," http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1622732, 2011/5/27.

study reveals that at least in the issue area of human rights, some states will exit temporarily from international agreements lawfully to handle the domestic political uncertainty. This work is intriguing by showing how to comprehend the logics of state exit from international institutions. More in-depth studies are needed to understand the reasons for states' withdrawing from international institutions in different issue areas.

Albert O. Hirschman indicated more than 40 years ago in his classic *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States* that political scientists tend to ignore the exit choice of actors in organizations or state, just as economists are inclined to forget the political conception of voice by consumers in the economic realm.²⁸⁰ Of course, Hirschman emphasizes the function of voice in actors' resistance of the decline of organizations, but he did point out the possible option of exit for political scientists in their research of cooperation and collective action. Focusing on bargaining power, J. B. Slapin's paper puts Hirschman's model in the background of international organizations and federal states to explore the interactive relations among exit, voice and exclusion choices. Using a formal model and case study of European integration, Slapin explains under what conditions the exit, voice and exclusion strategies will exert on bargaining leverage toward states in different power positions which have important implications toward the design of international organizations and federal states. Specially, if a state can threaten credibly of its exit from an international organization, this will be a source of its bargaining power. However, this state has to signal that it can bear the costs of utility, reputation and domestic uncertainty, or else it will have to stay in the international organization to voice its demand according to the rules.²⁸¹ To understand states' exit behaviour from international institutions, this study shows that we should go beyond the legal rights authorized by international law and explore the deeper political dynamics embedded within social relations in the context of institutional divergence.

(2) International institutional theories

²⁸⁰ Albert O. Hirschman, *Exit, Voice, and Loyalty: Responses to Decline in firms, Organizations, and States*, Cambridge, Mass., Harvard University Press, 1970.

²⁸¹ J. B. Slapin, "Exit, Voice, and Cooperation: Bargaining Power in International Organizations and Federal Systems," *Journal of Theoretical Politics* 2009, 21, 2, pp.187-211.

The question of state withdrawal from international institutions is related to the core puzzle of social theory: the interaction of agent and structure (institution).²⁸² Institutional theories normally claim that agent and institution are interdependent and mutually constitutive.²⁸³ Yet, it is in some sense surprising to find that in the new institutionalism theories and organization theories there is no general research on the question of agents' exit behaviour from organizations or institutions. This style of research can be found in the study of international institutions in international relations.

Rational choice, sociological and historical institutionalism theories constitute the three strands of the new institutionalisms in political studies. We can find the reflections of the three paradigms of new institutionalisms in the three research agendas in the international relations theories generally, rational choice and sociological institutional theories especially.²⁸⁴ Scholars of international institutions on the whole explore the questions of the creation, maintenance and implementation of international institutions mainly from the perspectives of neorealism, neoliberal institutionalism, and constructivism.²⁸⁵ They are trying to understand and explain the conditions under which international institutions can affect international cooperation and help solve international collective action problems. However, the possibility of state exits from international institutions seems off their radar screen.

International institution and cooperation studies are the labels of neoliberal institutionalism.²⁸⁶ Neoliberal institutionalists believe that international institutions can promote international cooperation among rational unitary nation-states who share common interests. This positive outcome which brings absolute gain to cooperative states is realized

²⁸² Geoffrey M. Hodgson, *The Evolution of Institutional Economics: Agency, Structure, and Darwinism in American Institutionalism*, London. New York: Routledge, 2004.

²⁸³ Morgan Glenn, John L. Campbell, Colin Crouch, Ove Kai Pedersen, and Richard Whitley. *The Oxford Handbook of Comparative Institutional Analysis*. Oxford: Oxford University Press, 2010. Oxford Handbooks Online. Oxford University Press. 28 May 2011 <http://dx.doi.org/10.1093/oxfordhb/9780199233762.001.0001>

²⁸⁴ On the connection between general institutional theories and international institutional theories, see Christer Jonsson and Jonas Tallberg, "Institutional Theory in International Relations," in *Debating Institutionalism*, edited by Jon Pierre, B. Guy Peters and Gerry Stoker, Manchester: Manchester University Press, 2008. Also see Orfeo Fioretos, "Historical Institutionalism in International Relations," *International Organization* 2011, 65, 2, pp. 367-99.

²⁸⁵ This part only focuses on the positive studies of international institutions. See Lisa L. Martin and Beth A. Simmons, "Theories and Empirical Studies of International Institutions," Andreas Hasenclever, Peter Mayer and Volker Rittberger, *Theories of International Regimes*, New York: Cambridge University Press, 1997.

²⁸⁶ Arthur A. Stein, "Neoliberal Institutionalism."

by the functions of international institutions that can provide information, monitor and sanction defectors, decrease transaction costs, offer focal points and promote trust between states.²⁸⁷ This efficiency logic of rational choice institutionalism is tested in both the domestic and international realms.²⁸⁸ However, neoliberal institutionalists pay their attention mainly to the formation and functions of international institutions; and the rationale of state withdrawal from international institutions is actually a gap for rational choice institutionalism, domestically or internationally.

Neorealists consider power, rather than institutions, as the essential definition of international politics. Some neorealists claim that international institutions are epiphenomenal and they are just a reflection of the power and interest of great powers.²⁸⁹ However, neorealists generally believe that international institutions are at least an intervening variable that can affect state interactions and can promote international cooperation under some conditions, although they have reservations about the relative gains problem and the application of institution theory in “high politics”.²⁹⁰ The most insightful idea from realist theory and especially their research on the relations between power and institutions is that even though institutions can help promote cooperation, the relationship between agents within institutions is not equal and the agents with more power usually can gain more by cooperating through institutions.²⁹¹ Although there is no explicit study of the exit question in this school, neorealism indicates that states with greater military or market power can use international institutions instrumentally, and states’ exit behaviour from institutions may follow power structure changes in the international system. Neorealists’ claim that power will determine institutional effects is convincing since power relations are pervasive in all human societies, but the

²⁸⁷ David A. Baldwin, ed., *Neorealism and Neoliberalism: The Contemporary Debate*, New York: Columbia University Press, 1993.

²⁸⁸ Douglass C. North, *Institutions, Institutional Change, and Economic Performance*, Cambridge; New York: Cambridge University Press, 1990; Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy*.

²⁸⁹ Jack L. Goldsmith Eric A. Posner, *The Limits of International Law*, Oxford; New York: Oxford University Press, 2005; John J. Mearsheimer, “The False Promise of International Institutions,” *International Security* 1994-1995, 19, 3, pp.5-49.

²⁹⁰ David A. Baldwin ed., *Neorealism and Neoliberalism: The contemporary debate*; Stephen D. Krasner, “Structural Causes and Regime Consequences: Regimes as Intervening Variables,” *International Organization* 1982, 36, 2, pp.185-205.

²⁹¹ Terry M. Moe, “Power and Political Institutions,” *Perspectives on Politics* 2005, 3, 2, pp.215-233; Lloyd Gruber, *Ruling the World: Power Politics and the Rise of Supranational Institutions*, Princeton, N.J.: Princeton University Press, 2000.

“substantialism” understanding of power (power mainly as material capacities)²⁹² limits their understanding of the withdrawal phenomenon.

Rational and unitary states and international structure (material structure, international institutions included) constitute the elements of neorealists’ and neoliberal institutionalists’ rational theories. Their ontology is being challenged in two facets. Above all, the assumption that states are unitary is challenged by many scholars who break down the “black box” of domestic politics to study the interaction of international institutions and domestic political dynamics.²⁹³ To understand the mechanism of state withdrawal from international institutions, we also need to explore the interaction of domestic and international politics to locate the exit preference formation.²⁹⁴ Ultimately, the decision of joining or exiting international institutions has to be made by the member states. No matter if the impetus results from international structural factors or domestic politics, states’ withdrawing preference toward international institutions has to be understood by analysing the domestic structure under the constraints of international institutions. The focus only on the international structure cannot give us a complete picture.²⁹⁵

Another challenge toward the rational study of international institutions comes from constructivism.²⁹⁶ Constructivists hold that international structure is not only material but also

²⁹² On the relational understanding of power, see Mustafa Emirbayer, “Manifesto for a Relational Sociology,” *American Journal of Sociology* 1997, 103, 2, pp. 281-317.

²⁹³ Xinyuan Dai, *International Institutions and National Policies*, Cambridge: Cambridge University Press, 2007; Lisa L. Martin, *Democratic Commitments: Legislatures and International Cooperation*, Princeton, N.J.: Princeton University Press, 2000; Helen V. Milner, *Interests, Institutions, and Information: Domestic Politics and International Relations*, Princeton, NJ: Princeton University Press, 1997.

²⁹⁴ Orfeo Fioretos, “The Domestic Sources of Multilateral Preferences: Varieties of Capitalism in the European Community,” in *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage*, edited by Peter A. Hall and David Soskice, New York: Oxford University Press, 2001, pp. 213-244; David A. Lake and Robert Powell eds., *Strategic Choice and International Relations*, Princeton, N.J.: Princeton University Press, 1999; Andrew Moravcsik, “Taking Preferences Seriously: A Liberal Theory of International Politics,” *International Organization* 1997, 51, 4, pp. 513-553.

²⁹⁵ For the convenience of analysis again, the chapter assumes away the domestic and transnational dynamics, as Chapter 3 does. Nation-states are the hub player in the international system, but in the international whaling issue, non-state actors, such as the IWC and many non-governmental organizations, play important roles in the governance processes along with state governments, as in many contexts in the new realities of global politics. But to make the analysis manageable, this chapter has to omit the influences of non-state actors, even in the whaling issue where they have significant impacts in institutional change.

²⁹⁶ Alastair I. Johnston, *Social States: China in International Institutions, 1980-2000*, Princeton, N.J.: Princeton University Press, 2008; Jeffrey T. Checkel, “International Institutions and Socialization in Europe: Introduction and Framework,” *International Organization* 2005, 59, 4, pp. 801-826.

ideal. International norms embedded in international institutions as an international social environment usually can mould the behaviour of member states through some mechanisms, social conformity, and persuasion and identification, for example.²⁹⁷ Contrary to the “under-socialized” ideas of the rationalists, however, it seems that constructivists’ understanding of international institutions is “over-socialized” so that they care less on the possibility of the breaking down of social relations between international institutions and some of their member states.²⁹⁸ Do states withdraw because they have not been fully persuaded? If persuaded, will states stay in some international institutions forever? The social relations among states within international institutions need to be better understood to make the constructivist explanation of states’ compliance with international norms complete since exit is also a possible choice that states can take under some conditions. States holding the same international norm may have different institutional pathways to realize their interests. The same norm may have different interpretations, while the same interpretation may be put into social practices in different institutional arrangements. On the other hand, constructivism reminds us that some states’ withdrawal decision may be not made out of instrumental cost-benefit calculation, but due to some normative and ethical considerations. This is an important point that should be taken into account when seeking the reasons of states’ exit action.

Since state exit from international institutions are happening and are being used as a threat for potential institutional change, existing studies are in need of development to answer several questions regarding state’s exit strategy: What are the rationale and mechanisms of state withdrawal from international institutions? What roles do power, interest, ideas and social relations play in the rupture of the relationship between states and international institutions? What are the implications of states’ withdrawal behaviours toward global governance? What are the implications of agents’ withdrawal behaviours toward institutional theories?

Why states exit

²⁹⁷ Maria Rost Rublee, “Taking Stock of the Nuclear Nonproliferation Regime: Using Social Psychology to Understand Regime Effectiveness,” *International Studies Review* 2008, 10, 3, pp.420-450.

²⁹⁸ On the under-socialized and over-socialized ideas, see Mark Granovetter, “Economic Action and Social Structure: The Problem of Embeddedness,” *American Journal of Sociology* 1985, 91, 3, pp. 481-510.

This chapter treats social relations as the driving forces for states' institutional choices and strategies, and places changes in social relations in the context of international institutional divergence to explore the possible rationales for states' exit from international institutions. Instead of applying methodological individualism or methodological collectivism, this research takes social relations between different states as the basic unit of analysis,²⁹⁹ based on the fact that social relations constitute a key factor in human society.³⁰⁰ Relations can be understood as the bridges between agents and structures³⁰¹ and are maintained through the dynamic processes of agents' social practices. There are generally three ideal-types of social relations in human society: trust, contract, and coercion. They may exist in communities, markets and hierarchies in an ideal sense. In reality, these three types of social relations are mixed within agents' interaction in their social practices. Relations are dynamic, which means that the three ideal-type relations can change or be transformed from one category into another, although with the evolution of human society, social relations have generally been evolving away from coercion and violence. Thus we need to understand social relations from a relational perspective. Social relations are not fixed and uniform but moving endlessly in a hybrid and contingent process; nor are they inorganic and mechanistic entities.

Social relations are not informal institutions, however. Institutions, both formal and informal, are solidifications of social relations that are always moving and changing. Dynamic social relations are the impetus of institutional change. In emphasizing the collective and interactive

²⁹⁹ Mustafa Emirbayer, "Manifesto for a Relational Sociology;" As Qin Yaqing points out, relationality in Chinese society versus rationality in Western society and the fact that social relations constitute one key factor in all societies demonstrate that there is great potential to develop this concept in international relations, see Qin Yaqing, "Relationality and Processual Construction: Bringing Chinese Ideas Into International Relations Theory," *Social Sciences in China*, 30:4, pp. 5-20. "Social relations" is an important concept in the study of Chinese society and an essential principle in organizing the Chinese social order, and it is named Guan xi (social relations, social network, or social connections) usually. See Fei Xiaotong, *Xiang Tu Zhong Guo (Earthbound China)*, Shanghai: Shanghai People's Publishing House, 2007; Thomas Gold, Doug Guthrie and David Wank eds., *Social Connections in China: Institutions, Culture, and the Changing Nature*, Cambridge, UK; New York: Cambridge University Press, 2002; Kwang-kuo Hwang, "Face and Favor: The Chinese Power Game," *American Journal of Sociology* 1987, 92, 4, pp. 944-974; Luo Jar-Der and Yeh Kevin, *Zhong Guo Ren De Xin Ren You Xi (The Chinese Game of Trust)*, Beijing: Social Sciences Academic Press, 2007.

³⁰⁰ Qin Yaqing, "Relationality and Processual Construction: Bringing Chinese Ideas into International Relations Theory," *Social Sciences in China* 2009, 3, pp. 69-86; Patrick Thaddeus Jackson and Daniel H. Nexon, "Relations before States: Substance, Process and the Study of World Politics," *European Journal of International Relations* 1999, 5, 3, pp. 291-332; Mustafa Emirbayer, "Manifesto for a Relational Sociology."

³⁰¹ We can treat social relational dynamics as objects of research, and we also can study political and social phenomenon from a relational perspective. In this section, we focus on both of these two strategies, namely to understand state's social relations from a relational perspective.

characteristics among states, social relations are not a reductive concept that focuses only on a single actor's strategic preferences and social actions. However, when it comes to explaining the interactions among states, social relations are not as organized and structural as institutions. A bundle of stable and peaceful social relations usually needs institutional support to be sustained. If we regard an institution as a river, then social relational dynamics can be seen as the gravity that pulls the water from the river's source to its mouth. Thus social relations are the driving forces for institutional creation, change, or possible extinction.

Driven by social relations, institutions are one of the essential building blocks for social order. Most interests can only be realized through various agents' cooperation within institutional arrangements. Institutions are the formal and informal rules and norms that govern agents' interactions in their social practices. To maintain the stability of social relations, humans establish different formal and informal institutions to realize cooperation and govern public issues. Effective and legitimate governance needs the coordination of hierarchy, market and network mechanisms and institutions.³⁰² Institutions are vital mainly because they have three functions that can promote cooperation among agents. Firstly, they can be used to some degree as substitutes for trust, which is a necessary condition for cooperation.³⁰³ Secondly, institutions can help reduce the transaction costs which emerge in the processes involved in the governance of public problems.³⁰⁴ Thirdly and lastly, once institutions are established, they may gradually gain their own autonomy and constrain and enable agents within them to different degrees. During these processes, institutions may achieve legitimization.³⁰⁵ But ultimately, it is the social relations among agents that will determine the development of institutions because institutions cannot function by themselves. Institutions are designed or have evolved among agents as instruments to maintain the stability of social relations of different kinds.

³⁰² Luo, Jar-Der (罗家德), "自组织: 市场与层级之外的第三种治理模式(Self-organization: The Third Governance Mechanism in Addition to Market and Hierarchy)," *比较管理(Comparative Management)*, 1, 4, pp. 1-11; Walter Powell, "Neither Market Nor Hierarchy: Network Forms of Organization," *Research in Organizational Behavior* 1990, 12, pp. 295-336.

³⁰³ Karen S. Cook, Russell Harding and Margret Levi, *Cooperation without Trust?* New York: Russell Sage Foundation, 2005; Brian C. Rathbun, "Before Hegemony: Generalized Trust and the Creation and Design of International Security Organizations," *International Organization* 2011, 65, 2, pp. 243-73.

³⁰⁴ Oliver Williamson, *The Economic Institutions of Capitalism*, New York: Free Press, 1985; Oliver Williamson, *Markets and Hierarchies*, New York: Free Press, 1975.

³⁰⁵ Walter W. Powell and Paul J. DiMaggio, eds., *The New Institutionalism in Organizational Analysis*, Chicago: University of Chicago Press, 1991.

Because of the dynamic transformation of social relations, the development and evolution of institutions cannot be linear and uniform, and the interactions between agents and institutions will also be influenced in these processes, too. Here we need to introduce the concept of international institutional divergence into the analysis. International institutions are diverging along various dimensions, as discussed in Chapter 2, which give rise to divergent implications of one institution for different states. And during this process of institutional divergence, institutions normally are not neutral but biased, which has distributional effects on agents along two dimensions: the distribution of (1) material and (2) normative interests among different agents within institutions.³⁰⁶ With regard to material and normative interests, agents fight for the institutional arrangements that are favourable to their interests.³⁰⁷ After a period of conflict and compromises among agents, specific institutional arrangements can be settled on for governing the distributional problems to maintain the stability of social relations.³⁰⁸

How then is an institutional arrangement selected by agents with varying material and normative interests? To understand this question, we need to bring in the power relations among agents in different social relations. Power is pervasive in human society, and has to be understood within the social relations among agents. It is obvious that agents with more power can obtain better positions within social relations. Power relations are embedded within the ideal types of trust, contract, coercion, and any other mixed forms of social relations. When social relations are stable, power may be concealed within the interactions among agents. However, once social relations change, different kinds of power will come centre stage to determine over the direction of the development of different relations. In the three ideal types of social relations, power can be seen as emotional, exchange, or coercive,

³⁰⁶ Some institutions can be treated as neutral in some sense, like the traffic rules. But most institutions in human society have distributional effects in different degrees.

³⁰⁷ Kathleen Thelen and James Mahoney, eds., *Explaining Institutional Change: Ambiguity, Agency, and Power*, Cambridge; New York: Cambridge University Press, 2010.

³⁰⁸ Terry M. Moe, "Power and Political Institutions;" Richard H. Steinberg, "In the Shadow of Law or Power? Consensus-Based Bargaining and Outcomes in the GATT/WTO," *International Organization* 2002, 56, 2, pp.339-374.

respectively.³⁰⁹ Once social and power relations reach equilibrium, divergent institutions can maintain stability following agents' agreement on the distribution of their interests.

The above discussion forms the foundation for this thesis's theoretical framework, which seeks to explain why agents exit international institutions. Briefly, dynamic social relations maintained by agents' social practices are the driving forces for institutional change, and social relations of power especially will determine the distribution of interests among agents, and also influence the stability of institutions. Institutions, usually existing in divergent forms, are essential for maintaining the stability of social relations and social order. When social relations are stable, and agents are satisfied³¹⁰ with the distribution of essential institutions providing public goods, agents are more likely to join institutions.³¹¹ In reality, social relations are not static and changes in them can be due to agents' own preferences or external pressures on the system. These changes need to be evaluated in the historical time, space and context. The origins of these changes is the dissatisfaction of some agents with the distribution of interests according to specific institutional rules and norms, which in turn results from international institutional divergence. Under these conditions, agents usually will negotiate within institutions with the aim of changing the rules or norms to update institutional arrangements following the changing social relations. As Chapter 2 pointed out, these usually happen at the edge of an institution's zone of governance or in the declining period of an institution, if we are only focusing on the temporal and spatial dimensions of institutional divergence. Agents' resistance behaviour towards institutional arrangements will test the adaptability of institutions and the scope of international institutional divergence. If institutional clusters are adaptive enough to solve the distributional problems among agents, then a new equilibrium of social relations can be reached, and agents will stay in specific institutions. However, if institutional flexibility and adaptability cannot guarantee the solution of distributional problems within the existing institutional frameworks, and especially if there

³⁰⁹ As the conflicts of interests among agents increasing, usually the more primitive kinds of power, coercive and exchange ones can intrude into the emotional one; under these conditions, agents' social relations will deteriorate, institutional instability will appear. In the anarchic international system especially, coercion as one kind of relational power is used as a foreign policy instruments by the big powers often, and this will greatly influence the institutional arrangements in the international system.

³¹⁰ Or coerced and induced by other more powerful agents in a specific system.

³¹¹ Of course, the situation that international institutions are in fact private goods and some states are coerced to join is also possible. This scenario is also based on foundation of stable social relations where the strong powers' rule is maintainable. But it is very likely that this kind of governance by power instead of authority cannot last long.

are other institutional options born out of institutional divergence, then agents will consider the possibility of exiting institutions to better satisfy their interests. Agents cannot leave institutions easily, however, because they need to evaluate their vulnerability of their interdependent relations³¹² with other agents which have stake interests in the existing institutions. If they are powerful enough to bear the costs³¹³ of leaving institutions (i.e. they have the means and alternatives to realize their interests), then they will exit the existing institutional arrangement. An institutional environment where institutions are divergent can in fact significantly ease the pressures states have to deal with, because in other institutional arrangements they can find alliances to jointly resist the existing institutions they regard as unsatisfactory.

One great difficulty in the study of international relations is the complicated interaction of the international system and domestic politics, which makes it almost impossible to analyse the relations between agents and institutions parsimoniously and elegantly, if theories aim to reflect the realities in the international society.³¹⁴ After joining international institutions, states' interests and preferences may change or stay the same under the constraints of institutional structures. States enter into social interactions with other related actors in specific issue areas originally with predetermined national interests. The forming of national interests is of course a complex political process in domestic politics under the influence of international institutions.³¹⁵ Peter Gourevitch understands how states' preferences change within international institutions from a "second image reversed" perspective.³¹⁶ In order to

³¹² Robert O. Keohane and Joseph S. Nye, *Power and Interdependence*, New York: Longman, 2001.

³¹³ These costs may be in the forms of material or reputation. They are hard to measure, especially the reputational ones, but we can evaluate them in specific contexts.

³¹⁴ Of course, unlike historical research, theoretical studies should not have that burden of relatively fully reflecting realities.

³¹⁵ Daniel W. Drezner ed., *Locating the Proper Authorities: The Interaction of Domestic and International Institutions*, Ann Arbor: The University of Michigan Press, 2003; Maria Green Cowles, James Caporaso and Thomas Risse, eds., *Transforming Europe: Europeanization and Domestic Change*, Ithaca, NY: Cornell University Press, 2001; Andrew P. Cortell and James W. Davis, "Understanding the Domestic Impact of International Norms: A Research Agenda," *International Studies Review* 2000, 2, 1, pp.65-87; Andrew P. Cortell and James W. Davis, "How Do International Institutions Matter? The Domestic Impact of International Rules and Norms," *International Studies Quarterly* 1996, 40, 4, pp.451-478; Thomas Risse-Kappen ed., *Bringing Transnational Relations Back In: Non-state Actors, Domestic Structures, and International Institutions*, New York: Cambridge University Press, 1995; Robert O. Keohane and Helen V. Milner eds., *Internationalization and Domestic Politics*, New York: Cambridge University Press, 1996.

³¹⁶ Peter Gourevitch, "The Second Image Reversed: The International Sources of Domestic Politics," *International Organization* 1978, 32, 4, pp. 881-912.

focus the present analysis, domestic and transnational political processes are omitted – after all, it is not realistic and theoretically feasible to solve all problems once and for all.

After establishing social relations as the driving force and institutional adaptability and divergence as the defining characteristics of the institutional environment, the above discussion has shown that:

- 1) Social relations determine international institutional development, divergence, and the interaction of states within international institutions.
- 2) When social relations change, states may choose to exit international institutions, or voice objections within institutions.
- 3) Power relations, institutional adaptability, and divergence are the intervening factors that will influence states' objection or exit strategies.

Exits from the International Whaling Commission (IWC)

(1) Why the IWC?

The aim of this research is not to provide a general law or universal explanation for the question of state withdrawal from international institutions. The objective here is twofold: first, to draw attention to this under-explored question in international institution theory in particular and in institutional theories in general; second, to develop a logical and coherent mechanism to understand this phenomenon in international relations, with the goal of laying some fundamental groundwork for more expansive research in the future.

As an issue area in global environmental governance, international whaling regulation is greatly affected by states' participation, non-participation and exit behaviour. The governance structures of international environmental cooperation can be treated as common pool resource

problems or “the tragedy of the common”.³¹⁷ Under these structures, states can extract public goods freely, but if the public goods are not properly managed, their numbers will gradually decrease. These situations are different from the international trade or some other issue areas, where states cannot use reciprocity and retaliation measures to control the property rights of the public goods. Thus a key actor’s exit from the governance structures and institutional arrangements will definitely threaten the stability of the governance system.³¹⁸

International whaling governance relates to a common pool resource problem. The IWC, as one of the oldest international environmental institutions in the world, was set up by the 1946 International Convention for the Regulation of Whaling (ICRW). The aim of this international inter-governmental organization is to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry. Like many other international organizations, it contains no provisions for independent enforcement.³¹⁹ The governance of whaling was a dismal failure in the early years of the IWC, but since the 1970s it has gradually transformed from a “Whaling Club” to a “Preservation Club”.³²⁰ The 1982 moratorium on commercial whaling was a mark of this international norm change.³²¹ The whaling issue has been drawing great public attention since the 1970s in Western societies. Recently it have become a hot topic for international relations scholars who are interested in international environmental regimes and governance,³²² international norm change,³²³ and the power of ideas and discourses in the international system.³²⁴

³¹⁷ Elinor Ostrom, *Governing the Commons*; Garrett Hardin, “The Tragedy of the Commons,” *Science*, Dec. 13, 1968, Vol.162 (3859), pp.1243-1248.

³¹⁸ For example, the America’s non-participation in the Kyoto Protocol.

³¹⁹ Valeria Neale Spencer, “Domestic Enforcement of International Law: The International Convention for the Regulation of Whaling,” *Colorado Journal of International Environmental Law and Policy* 1991, 2, 1, pp.109-127.

³²⁰ Herluf Sigvaldsson, “The International Whaling Commission: The Transition from a ‘Whaling Club’ to a ‘Preservation Club’,” *Cooperation and Conflict* 1996, 31, 3, pp. 311-352.

³²¹ Jennifer L. Bailey, “Arrested Development: The Fight to End Commercial Whaling as a Case of Failed Norm Change,” *European Journal of International Relations* 2008, 14, 2, pp. 289-318.

³²² Robert L. Freidheim ed., *Toward a Sustainable Whaling Regime*, Seattle, Washington: University of Washington Press, 2001.

³²³ Jennifer L. Bailey, “Arrested Development: The Fight to End Commercial Whaling as a Case of Failed Norm Change.”

³²⁴ Charlotte Epstein, *The Power of Words in International Relations: Birth of an Anti-Whaling Discourse*, Cambridge, MA: The MIT Press, 2008.

Whalers, governments, international organizations, non-governmental organizations (NGOs) and scientists, and normative forces all crowd the stage of the IWC.³²⁵ The diversified actors' various social and power relations around this organization is an appropriate background for the analysis of states' exit behaviours. As one of the most controversial international environmental organizations, the IWC's membership has undergone many transitions since its birth, especially since the 1970s. In related articles, Elizabeth DeSombre has analysed the America's "bullying" and Japan's and some NGOs' "bribing" strategies in coercing or inducing states to participate in the IWC, which are detrimental to the governance of this organization. She also indicates the danger of non-participation, opting-out measures within institutions, and the possible withdrawal behaviours of important states or non-state actors in the IWC and some other international environmental agreements concerning global environmental governance.³²⁶

The many cases of state withdrawal from the IWC provide an interesting platform for structural comparisons of this phenomenon in the international system. Multiple players' various social relations across different levels (domestic, transnational, and international) enable us to bring different perspectives into consideration. In this case, power, interests, and ideas from different actors all may influence states' institutional choices, which constitute a complicated picture. On the other hand, the relatively concentrated controversy – on the issue of whaling – provides a useful perspective to evaluate the interaction of states and international institutions, and states' withdrawal possibilities. In sum, the IWC is a suitable institutional field for our exploration of the exit question.

International informal institutions are difficult to operationalize, in the following discussion we focus only on a state's exit from formal international rules stipulated by the IWC or from the IWC itself. Moreover, our definition of state withdrawal here is broader than Helfer's orthodox definition in international law. According to Helfer, only cases such as Canada's

³²⁵ M. J. Peterson, "Whalers, Cetologists, Environmentalists, and the International Management of Whaling," *International Organization* 1992, 46, 1, pp. 147-186.

³²⁶ Elizabeth DeSombre, "Fishing under Flags of Convenience: Using Market Power to Increase Participation in International Regulation," *Global Environmental Politics* 2005, 5, 4, pp. 73-94; "Distorting Global Governance: Membership, Voting and The IWC," in *Toward A Sustainable Whaling Regime*, edited by Robert L. Freidheim, Seattle, Washington: University of Washington Press, pp. 183-199; "Whaling," in *Global Environment and World Politics*, London: Continuum, 2002, pp. 119-142.

and Iceland's withdrawals in 1982 and 1992 respectively can be treated as exit behaviour. Here we pay more attention to the real political ecology of the international whaling issue and accordingly consider more circumstances as state withdrawal. According to the IWC Convention, decisions shall be taken on the basis of a simple majority of those members voting, except that a three-fourths majority of those members voting shall be required to amend the schedule.³²⁷ In various periods, different states have varying attitudes towards the schedule. And if any government presents to the IWC an objection to any amendment within a 90-day period, that state will not be restricted by the changed schedule. This thesis treats such objection as a partial withdrawal situation where states can get rid of some dissatisfactory institutional arrangement, but not exit from the IWC completely per se. Partial and temporary withdrawal from parts of the international governance system are therefore regarded as state exit. The inclusion of cases of state's partial in the context of international institutional divergence can provide more examples and forms of state withdrawal to inform our understanding of the logic behind this institutional choice.

International institutional divergence means that if institutions are in conflict, states may threaten to withdraw or actually exit from specific international institutions. States can build some sort of institutional arrangement at the international level to govern their social relations, but their actual behaviours may in fact follow other norms that are to the opposite of the rules on the table. This is the power of international institutional divergence, especially the informal institutions that are working beneath the formal rules. These informal rules, domestic and international, are tacit agreements that govern social relations among agents. Institutions and social relations co-evolve and co-constitute each other, and multifaceted social relations dictate that institutions are divergent and interactive. In considering the international whaling institutional system, we focus on the formal and informal institutional divergence when discussing institutional divergence in this issue area, though we are aware that in international whaling governance there are many perspectives from which to understand the institutional divergence. When formal institutions are adjusted due to changes in social relations that are not in accordance with some informal norms, states that are dissatisfied with the formal institutional change will first voice objection and resist the changes within the formal institutions. If this leads to them being appeased and stable social

³²⁷ *International Convention for the Regulation of Whaling*, 1946 (<http://iwc.int/private/downloads/1r2jdhu5xtuswws0ocw04wgcw/convention.pdf>), accessed 17 September, 2014.

relations being restored, those states will be willing to stay in existing institutional arrangements. But if their voices are unheard or unanswered, states with material or reputation resources may exit existing institutions and join other formal international institutions, or just withdraw from formal international institutions and patronize informal international institutions. A state's institutional choice – specifically withdrawal from international institutions – is the central focus here. Though the origins of this institutional behaviour are systematic factors in the interactions among international, domestic, and transnational social actors, our institutional explanation only focuses on the international institutional environment which is changing and diverging in a complex manner.

(2) Exits from the IWC

The process of change in the international whaling institutional systems is very complicated. A brief description is followed of the institutional divergence and change in whaling governance to understand states' choice of withdrawal from institutional arrangements in various degrees and forms.³²⁸ International whaling institutions, as one of the oldest governance structures for international common pool resources management, have been changing since their establishment. From the signing of the Convention for the Regulation of International Whaling in 1946 till the end of the 1960s, although states started to organize some sort of collective governance of international whaling, the protection of commercial interests was the informal international rule for the governance of actual international whaling practice. Whaling states officially delegated authority to the IWC to regulate the season, quantity, and form of whaling, but the influence of whalers and companies at the domestic level were the greatest factors that controlled the actual operation of international whaling rules. During this period what was happening in the ocean was a “whaling

³²⁸ M. J. Peterson, “Whalers, Cetologists, Environmentalists, and the International Management of Whaling;” Ray Gambell, “International Management of Whales and Whaling: An Historical Review of the Regulation of Commercial and Aboriginal Subsistence Whaling,” *Arctic* 1993, 46, 2, pp. 97-107; Steinar Andresen, “The Effectiveness of the International Whaling Commission,” *Arctic* 1993, 46, 2, pp. 108-115; Steinar Andresen, “The Making and Implementation of Whaling Policies: Does Participation Make a Difference?” In *The Implementation and Effectiveness of International Commitments: Theory and Practice*, edited by D. G. Victor, K. Raustiala and E. B. Skolnikoff, pp. 431–74, Cambridge, MA: MIT Press, 1998; Peter J. Stoett, “International Politics and the Protection of Great Whales,” *Environmental Politics* 1993, 2, 2, pp. 277-303; Ronald B. Mitchell, “Discourse and Sovereignty: Interests, Science, and Morality in the Regulation of Whaling,” *Global Governance* 1998, 4, 3, pp. 275-293; Elizabeth DeSombre, “Whaling;” Alexander Gillespie, *Whaling Diplomacy: Defining Issues in International Environmental Law*, Cheltenham, UK: Edward Elgar, 2005; Charlotte Epstein, *The Power of Words in International Relations: Birth of an Anti-Whaling Discourse*.

Olympics”, where whaling states extracted the common pool resources for short-term interest without public and long-term considerations. In the 1970s and 1980s, scientific ideas started to be integrated into international environmental governance, and in the IWC science-based whaling gradually became the dominant informal norm. Whales were categorized into different types with various degrees of preservation instead of capturing them indiscriminately. On the other hand, with the rise environmental social movements in various Western countries since the 1970s, whales now occupy a distinctive position as a symbol of the earth and nature. That whales should not be killed based on animal rights, ethical and aesthetic points of view is the explicit institutional preference for anti-whaling states and NGOs. Under the pressure of science and morality as the new informal norms within international whaling governance, the IWC adopted a moratorium of commercial whaling in 1982. This took effect in 1986 and was considered temporary when enforced. After the moratorium was lifted, commercial whaling would be reviewed according to science. But since then, despite fierce challenges, the moratorium is still in place as the formal rule governing international whaling today. Pro- and anti-whaling states furiously debate the justification of the moratorium every year at the annual meeting of the IWC, especially since the 1990s when a scientific consensus that some species of whales were sustainable emerged.³²⁹

In the institutional system of international whaling, formal and informal rules and norms have their origins in science, morality, ethics and other factors that constitute the hybrid picture of international institutions. Divergence of international institutions and states’ opposed institutional positions in many occasions cause stalemates in international whaling governance.³³⁰ In this vivid environment of international institutional divergence, we find a perfect laboratory for understanding the under-explored question of states’ withdrawal from international institutions.

³²⁹ Herluf Sigvaldsson, “*The International Whaling Commission: The Transition from a ‘Whaling Club’ to a ‘Preservation Club’*,” Jennifer L. Bailey, “*Arrested Development: The Fight to End Commercial Whaling as a Case of Failed Norm Change.*”

³³⁰ Ian Hurd, “Almost Saving Whales: The Ambiguity of Success at the International Whaling Commission,” *Ethics & International Affairs* 2012, 26, 1, pp. 103-112.

From the establishment of the IWC until the end of the 1960s, the international norm of caring about only short-term interests instead of scientific and ethical matters was the informal norm operating under the formal international whaling institutional surface. Whaling states decided to incorporate the governance of whaling that was happening in global public territories into an international collective framework to avoid overharvesting. According to this new international environmental norm of governance, whaling states should abandon the individual decision making and invite an inter-governmental third party, the IWC, to regulate how international whaling should be conducted. Whaling states themselves had to show mutual restraint and adjustment, and follow the specific rules for international whaling made by the IWC. This seemed like an evolution in international environmental governance since public interests and collective policy making were extended to the international level and national sovereignty was compromised. However, this was only a change in the formal international whaling governance norm; the tacit informal norm for international whaling still furthered the interests of whaling companies competing for market profits. International whaling institutions diverged accordingly: states delegated the international whaling authority to the IWC, but every whaling state has de facto power over their whaling projects. Moreover, under the insistence of whaling states, the annual whaling quota set by the IWC was much higher than the whaling states could kill in a year. Without rules or standards, societies and organizations tend towards anarchy, but setting unreachable targets like the IWC did led to a no less chaotic situation. Collective decision making was only nominal in the formal international whaling governance, and scientific warnings about the outcomes of over-hunting were ignored. International whaling agreements could not be reached if the quota was not consented to the whaling states. Thus, the whaling quota was much higher than the recommended figure suggested by the Scientific Committee of the IWC itself.

Though the whaling quota was high, the informal norm protecting commercial interests resisted stricter regulation by the formal governance system. Once the informal rules were compromised, whaling states would threaten to exit or exit from the rules made by the IWC, or even the international organization altogether. In addition, there were states that had stayed out of international whaling regulation and were following whatever whaling policies they preferred. For instance, in 1954, the IWC prohibited the hunting of blue whales in the North Pacific and North Atlantic, but whaling states exempted themselves from this rule and killed

blue whales anyway. Formal rules might change, but by adhering to the informal ones whaling states could evade them by withdrawing consent. Between 1959 and 1962, Norway and Holland withdrew from the IWC in protest against the whaling quotas, which they felt were too restrictive for them.³³¹ This is an extreme case of state withdrawal from an international institution that exactly demonstrates the influence of changing social relations on states' institutional choice and on institutions themselves when formal and informal rules are conflicting. Another example of states' partial withdrawal of international institutions is the whaling states' exit from the ban on forbidding hunting blue whales in the Antarctic in 1964.

Some states, Peru and Chile for example, did not participate in the IWC, and conducted their own whaling activities during this period. Staying out of an institution is an institutional choice that needs to be taken into account in institutional analysis because such states may have a great stake in the governance of global problems. Though outside of some governance structures, they cannot be free from all institutional arrangements. Obviously, whaling states outside of the IWC were following the same informal rules. In many institutional environments, the question of who are insiders and who outsiders needs to be evaluated carefully. Staying out of international whaling governance actually occurred before the establishment of the IWC. In the 1931 Geneva Convention for the Regulation of Whaling negotiated under the auspices of the League of Nations, important whaling countries like Germany, Japan and the Soviet Union were outsiders who greatly restricted the effectiveness of the international agreement.³³²

Since the 1960s, it was gradually becoming a scientific consensus that if the whaling quotas maintained the same high level, whales would be over-exploited facing huge market demand. In 1974, A New Management Procedure (NMP) based on scientific estimation of whale ecology was passed in the IWC. Whaling states realized that whale resources could not endure the over-harvesting behaviours anymore. Environmental social movements were rising strongly in Western and transnational societies during this phase, and non-whaling

³³¹ Ronald B. Mitchell, "*Discourse and Sovereignty: Interests, Science, and Morality in the Regulation of Whaling.*"

³³² Elizabeth DeSombre, "*Whaling.*"

states were also mobilized to protest the reckless whaling of the whaling states. In the 70s, it was a common view that international whaling should be managed according to the power of science, and this idea gradually gained its normative position in the regulation of international whaling. In 1972 United Nations Conferences on the Human Environment, even the whaling states approved unanimously the recommendation of a ten-year moratorium on commercial whaling.³³³ To whale on the basis of science became the informal norm in international whaling governance, and this was exactly the direction of the evolution of formal rules for international whaling. Or it might be more proper to argue that only after the transformation of informal rules that stressing scientific whaling instead of instrumental interests, could formal rules then followed suit.

After the identification of this norm, whaling states no more threatened to exit or exited from international whaling institutions easily and frequently as they did from the 1950s to the end of the 1960s, even though the whaling quotas were smaller than they preferred. Since the middle of the 1960s, whaling states have not objected the whaling quotas at the IWC, though the prices of whale products in fact were increasing. The social relations of whaling and non-whaling states were changing drastically within the IWC with the progress of scientific research, the initiatives from newly emerged domestic and transnational non-governmental organizations and the internalization of the norm of sustainable whaling. The formal international whaling rules in the IWC and the informal norms among the whaling states were converged with the change of social relational dynamics. Under this environment synergy between international formal and informal institutions, the motivation for whaling states' withdrawal disappeared.

Beginning from the end of the 1970s, in contrast to the norm of international whaling governance based on short-term interests and scientific ideas, a new norm that stressed morality and ethics started to appear in the international whaling politics.³³⁴ According to this new norm, whales are particular living beings in the earth and they have mysterious power as the symbol of environmentalism. Whales have their special rights that need to be respected

³³³ Ronald B. Mitchell, "Discourse and Sovereignty: Interests, Science, and Morality in the Regulation of Whaling."

³³⁴ Charlotte Epstein, *The Power of Words in International Relations: Birth of an Anti-Whaling Discourse*.

and they should not be killed at all because they are not ocean resources for exploitation. The question is not about the quotas for whaling, but the question of whether they should be hunted at all.³³⁵ With the diffusion of this moral or ethical norm, together with the power of norm to govern whaling by scientific and sustainable standards, international whaling institutions in 1982 underwent a great transformation in the IWC. A moratorium on commercial whaling was adopted. Though the IWC declared that it would be temporary for future scientific review to decide its validity, the moratorium has been in force till today since it took effect in 1986. Pro-whaling states cannot get enough votes to resist it, though in recent years the votes are almost even between anti- and pro-whaling states. As a matter of fact, the Scientific Committee in the IWC objects the moratorium because there is no firm scientific basis for a blanket prohibition of commercial whaling. The Food and Agriculture Organization (FAO) also regards this decision as irrational out of aesthetic values.

Except for Iceland's withdrawal in 1992 (it would later rejoin; see below), all other whaling states have so far chosen to stay within the IWC. Though the whaling states voice objections instead of exiting from the IWC, their institutional choices and partial exits actually conform to the broader definition of state withdrawal from international institutions. They may indeed be complying with the legal rules, but they are violating the spirit of the rules for governance in this issue area, at least in the eyes of the anti-whaling states. Following the passage of the moratorium, Norway, Japan, Peru and the Soviet Union lodged objections to prevent possible restraints on their whaling activities. But as this thesis has already shown, states have to weigh the costs of withdrawal and they need to be powerful enough to cut off their interdependent social relations with their counterparts. Japan and Peru eventually withdrew their objections due to economic and diplomatic pressures from the United States.³³⁶ Norway maintains its objection so that it can pursue its whaling operations. Iceland rejoined the IWC in 2002 with an objection to the commercial whaling moratorium in.³³⁷ Japan and Norway have threatened to exit the IWC on many occasions and continue to try and realize their institutional preferences through various mechanisms. The institutional adaptability and flexibility of the IWC also provide Japan and Norway possibilities for their continuing

³³⁵ Arne Kalland, "Management by Totemization: Whale Symbolism and the Anti-Whaling Campaign," *Arctic* 1993, 46, 2, pp. 124-133; "Whale Politics and Green Legitimacy: A Critique of the Anti-Whaling Campaign," *Anthropology Today* 1993, 9, 6, pp. 3-7.

³³⁶ Elizabeth DeSombre, "Whaling."

³³⁷ <http://iwc.int/iceland>, accessed 16 September, 2014; Anne Brydon, "The Predicament of Nature: Keiko the Whale and The Cultural Politics of Whaling in Iceland," *Anthropological Quarterly* 2006, 79, 2, pp. 225-260.

whaling operations. Norway's objection to the moratorium guarantees its right of whaling, and it adopts the quotas set by the Scientific Committee.³³⁸ Japan conducts its whaling operations in the name of scientific whaling, though its whaling causes huge controversy in international society. Japan tries to create space for its whaling by applying tradition and cultural sovereignty values, too. Moreover, through economic statecraft and international developmental aid in some small developing countries, Japan is attempting to rig the voting in the IWC meetings with the aim of overturning the moratorium.³³⁹

To balance the IWC moratorium, Greenland, Iceland, Norway and the Faroe Islands established the North Atlantic Marine Mammal Commission (NAMMCO).³⁴⁰ In resisting anti-whaling forces, this international institutional alternative regulates whaling operations according to the New Management Procedure (1974) of the IWC. Whaling states' partial exit from the IWC; the establishment of the NAMMCO; and many other institutional strategies inside or outside of the formal international whaling institutions significantly challenge the IWC's authority in international whaling governance. States' opposite institutional behaviours actually reveal the divergent powers and authorities of international institutions and organizations. Whaling states' staying in the IWC instead withdrawing is due to their intentions to transform whaling regulations from within the existing governance structure. This is an institutional choice that considers long-term national interests. The constraining force of the formal international institutions is apparent: leaving an international organization and its governance rules that are supported by many peers in international society is not without its costs. The withdrawal from an international institution always has costs, at the very least reputational ones. On the other hand, when whaling states are not totally committed to the existing institutional arrangements, they are in fact partially exiting the IWC according to a broad definition of such behaviour. The institutional divergence within and outside of the IWC provides many strategic spaces for whaling states' demands. Their searching for

³³⁸ Steinar Andresen, "The Making and Implementation of Whaling Policies: Does Participation Make a Difference?"

³³⁹ Amy L. Catalinac and Gerald Chan, "Japan, the West, and the Whaling Issue: Understanding the Japanese Side," *Japan Forum* 2005, 17, 1, pp. 133-163; Anders Blok, "Contesting Global Norms: Politics of Identity in Japanese Pro-Whaling Countermobilization," *Global Environmental Politics* 2008, 8, 2, pp. 39-66; Jun Morikawa, *Whaling in Japan: Power, Politics, and Diplomacy*, New York: Columbia University Press, 2009; Jonathan R. Strand and John P. Tuman, "Foreign Aid and Voting Behavior in an International Organization: The Case of Japan and the International Whaling Commission," *Foreign Policy Analysis* 2012, 8, 4, pp. 409-430.

³⁴⁰ David D. Caron, "The International Whaling Commission and the North Atlantic Marine Mammal Commission: The Institutional Risks of Coercion in Consensual Structures," *The American Journal of International Law* 1995, 89, 1, pp. 154-174.

alternatives within existing institutional structures instead of completely withdrawing can lend some legitimacy to their institutional manoeuvres. Moreover, states like Norway and Japan are developed OECD states and belonging to the Western community whose economic powerbase and soft power can support their partial exit from the international whaling governance rules.

As the above discussion indicates, after the IWC moratorium came into effect international whaling institutions further diverged. Institutional values on the bases of ethics, science, culture, sovereignty and tradition engaged with and confronted each other on the platform of the IWC. Environmentalists hope that the moratorium can be used a springboard for the perpetual ban on any kinds of whaling; scientists consider the moratorium as a measure for the recovery of the whale population; while whalers regard it as rehabilitation of an ocean resource for future exploitation. These institutional preferences are turned into votes in the IWC meetings for collective decision making by both pro- and anti-whaling states who are acting as the representatives of the international society. In these processes of international institutional divergence, pro- and anti-whaling states are living in an institutional state of binary opposition. Pro-whaling states see the moratorium as a form of cultural imperialism while anti-whaling states regard whaling as inhumane and barbaric. The formal rules of international whaling regulation still maintain the moratorium on commercial whaling, but the whaling states are not persuaded by this norm. With the continuing changes of social relations between states and many other non-state actors, the formal rules forbidding whaling will be further challenged by other informal rules promoted by the whaling states.³⁴¹

In sum, in the international governance of whaling, the phenomenon of international institutional divergence is very striking. When interactive processes of formal and informal international rules influence the regulation of whaling, and when there are conflicts among international rules and states have the capability to mobilize alliances within and outside of the existing institutional arrangements, states' partial or complete exit from international institutional constraints becomes a possibility. The changing of social relations among states

³⁴¹ Jennifer L. Bailey, "Arrested Development: The Fight to End Commercial Whaling as a Case of Failed Norm Change;" Ian Hurd, "Almost Saving Whales: The Ambiguity of Success at the International Whaling Commission."

propels the transformation of international institutions, while institutional adaptability and divergence provide strategic spaces for states' possible exit of existing institutional arrangements and the creation of alternative ones. In these processes of international institutional change, states' economic power, social capital, and institutional innovation capability are the deciding factors, and the institutional ecology of international institutional divergence offers multiple options for states' institutional preferences.

Conclusion

State withdrawal from international institutions is an institutional choice that occurs more frequently in an environment of international institutional divergence. This chapter has explored this under-explored question in international institutional analysis. Emphasizing the influences of international institutional divergence, it has also argued that social relations among states are the driving forces for institutional change. Social relational dynamics and international institutions are mutually constituted. The explanatory framework put forward in this chapter provides both agency dynamics and institutional structures for the understanding of states' exit choice. If a state is powerful enough to overcome the exit costs, then withdrawal from international rules becomes a realistic option. State withdrawal more easily occurs when international institutions are divergent because the existence of multiple institutional arrangements, both formal and informal, provides many strategic spaces for institutional innovation and shift. State withdrawals from international whaling institutions are vivid examples of what happens when social relations change within international institutional divergence. International institutional divergence can help understand old questions such as state compliance in a more nuanced manner. This chapter has further illustrated that this perspective is also useful for explaining a new area in international institutional analysis.

CHAPTER 5 INTERNATIONAL INSTITUTIONAL CHANGE UNDER INSTITUTIONAL DIVERGENCE

In the previous two chapters, the consequences of international institutional divergence for state compliance with and withdrawal from international institutions were discussed. These are issues regarding the agency of states within the complicated international institutional environment. This chapter explores the influence of international institutional divergence on the structure of the international system. The core question addressed is how international institutional divergence affects international institutional change, which is the essence of transformation in the international system, in a special issue area or the whole system generally.

Though compliance with international institutions does not necessarily bring about the expected governance efficiency and legitimacy, the level of agent compliance undoubtedly is crucial for institutional outcomes. If an institution cannot win compliance and identification from its agents, its governance outcomes will be poor for the lack of the necessary authority. And subsequently the ineffective institutional arrangement will then face great pressures for reform or change. Thus, compliance and institutional effects are closely linked because agents and institutions are mutually constituted and interdependent.

Another factor that needs to be emphasized is the mechanisms of institutional change. Obviously, this question is also intimately related to agent compliance and institutional effects. Institutions are social structures that cannot change themselves. Agents and their strategic interactions are what make institutions come into existence, grow, and die away. When its governance capability cannot handle the demands from agents and the natural and social environments, an institution then has to adapt in the ever-changing organizational ecology. While admitting nation-states' decisive role in international institutional change, this chapter puts forward a simple process mechanism of international institutional change at the structural level by paying attention to institutional interactions originating from institutional divergence.

Like our discussion of state compliance and withdrawal in the last two chapters, this chapter focuses on changes in institutional structures at the international level, though national interest and state power at the micro and agent levels also need to be brought into the analysis to make it relatively complete. The essence of change in the international system is the change of the international institutional arrangements that are supportive for the operation of the system. Accordingly, this chapter firstly analyses the existing paradigms in international relations theories on institutional and systematic change in international society. The basic models of international institutional change are then illustrated. International institutional change is not the complete substitution of one institutional arrangement for another in most circumstances, and a more intricate and subtle picture of institutional change mechanisms needs to be examined. International institutional change, as the innate form of transformation in the international system, does not have to be realized through grand events like hegemonic wars, disasters or revolutions. In contrast to the punctuated equilibrium model,³⁴² the gradual pattern of institutional change in comparative politics and economic sociology can be borrowed and applied in the international society for our understanding of international transformations. We will discuss this sort of institutional change against the background of international institutional divergence.

International institutional change: The essence of change in the international system

According to realism, changes in the international system are the changes in great states' power distributions. States' material capabilities are the sole infrastructures that determine the rise and fall of great powers, and the international system will be reorganized following a power transition. Due to the various international and domestic strategies great powers apply, the international structure transitions regularly from a balanced system to an unbalanced one. Emerging powers and their alliances normally challenge the existing hegemonic states and their allies during a power transition period in the international system. Transformation of the international system is generally but not exclusively realized through hegemonic wars. After systematic wars and conflicts, power structures and balanced state positions are reorganized. States after a great war discover their new respective ranks in the pursuit of international

³⁴² Jeff Colgan, Robert Keohane and Thijs Van de Graaf, "Punctuated Equilibrium in the Energy Regime Complex," *The Review of International Organizations* 2012, 7, 2, pp. 117-143.

power and international system again arrives at stability. During these stable periods, states will try to develop their strengths at home and build alliances at the international level, waiting for the opportunity of another round of systematic transformation. Big powers are dominant since they are the rulers in international society, while the weak ones have to obey the rules from the strong for they basically have no statecraft to compete with the great powers, although states big and small can adopt strategies like balance, bandwagon, alliance and other options to protect their national interests. States fight for survival in this cycle of international anarchy and hegemonic wars.³⁴³

As neorealists stress, if we focus only on the international level of the structure of the system, setting aside the interventions from domestic politics and comparative foreign policy, then we are no longer limited by the sort of strategies states adopt. Indeed, realists also discuss international rules, but these rules are only the accessories of international power transition and systematic change, and thus they are secondary factors in contrast to the paramount forces of national power and interest. Realists pay attention to the process of states' power operations and the international positions power brings. It does not matter what kind of international rules are operating, since they are only the instruments of the winners in the international system. International institutions are mechanisms and tools made by the great powers to serve their interests; protecting national interests through the operations of power politics, survival in the international system included, is the fundamental rule of anarchy for the running of the international system.³⁴⁴

Liberal institutionalism accepts the anarchic presumption as a constant in the international system, and agrees that state power is an effective tool for grand strategy, yet its liberal philosophy determines that it maintain that the welfare of the world can be maintained and improved through international cooperation. International institutions are instrumental and essential for international cooperation. Institutions in international society, like their domestic counterparts, can reduce transaction costs, substitute for international trust and provide

³⁴³ Kenneth N. Waltz, *Theory of International Politics*, Reading, Mass: Addison-Wesley, 1979; Robert Gilpin, *War and Change in International Politics*, Cambridge: Cambridge University Press, 1981; John J. Mearsheimer, *The Tragedy of Great Power Politics*, New York: Norton, 2001.

³⁴⁴ Alexander Wendt, *Social Theory of International Politics*, Cambridge, U.K.: Cambridge University Press, 1999.

information. And once international institutions are built, they can gradually win autonomy acting as a third party for the resolution of international disputes. International institutions can be both public goods and private goods, and when they are working for the public interest they gain more legitimacy; when they are utilized by great powers, they can help reduce governance costs in the international system. Therefore, international institutions have significant instrumental values for liberal institutionalists.³⁴⁵ However, though fundamental, international institutions have to succumb to states' power and national interests. Though believing in the possibility of international evolution instead of never-ending cycles of balance of power as realists do, liberal institutionalists treat institutions as something exogenous and secondary. In this rationalist theory, even though institutions are elevated to a level nearly as important as power politics and interest pursuits, power and interest will still win out when individual and collective interests are in conflict. Nevertheless, liberal institutionalism does insist on the significance of international rules and regards international institutional change as a symbol of transformation in the international system. These changes often happen after great wars when the power transition is completed.³⁴⁶ The current international institutional system was set up under the United States' leadership after the Second World War. After the Cold War, American hegemony seemed to reach its apex with the help of its institutional instruments and values that international institutions' governance under a uni-polar international system reveals unprecedented features.³⁴⁷ In the 21st century, with the emergence of China and a group of developing countries in the international economic and political arenas, the direction of development in international institutions has become a vital linchpin of international relations³⁴⁸ in theory and practice, as discussed in Chapter 1. The emerging powers' institutional aspirations and capabilities for institutional innovation are critical in the changing process of current international institutions, and their institutional strategies are in need of more systematic studies. In the current uncertain international system that is undergoing great transformation, it seems the existing international institutional structures are confronting great challenges from the changing

³⁴⁵ Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy*, Princeton: Princeton University Press, 1984; *International Institutions And State Power: Essays in International Relations Theory*, Boulder: Westview Press, 1989; *Power and Governance in a Partially Globalized World*, New York: Routledge, 2002; "Twenty Years of Institutional Liberalism," *International Relations* 2012, 26, 2, pp. 125-138.

³⁴⁶ G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars*, Princeton: Princeton University Press, 2001.

³⁴⁷ G. John Ikenberry, Michael Mastanduno and William C. Wohlforth eds., *International Relations Theory and the Consequences of Unipolarity*, New York: Cambridge University Press, 2011.

³⁴⁸ Randall L Schweller and Xiaoyu Pu, "After Unipolarity: China's Visions of International Order in an Era of US Decline," *International Security* 2011, 36, 1, pp. 41-72.

power dynamics and the emergence of various new actors in international society.³⁴⁹ Thus, diverse institutional preferences and values should be included into international institutional analysis to deal with the inexhaustible positive and normative deficiencies of existing institutional structures.

But the institutional analysis in the liberal institutionalist paradigm gradually focused solely on “liberal” international institutions’ role in world politics, and other possibilities of international organization through institutional arrangements, liberal or authoritarian, efficient or incompetent, are not taken as seriously as the institutional forms from the Western world.³⁵⁰ From this normative standpoint, liberal institutionalism converges with constructivism, though the latter regards international institutions and norms as the ontological and primary foundation for international social organization. Alexander Wendt argues that anarchy is not a constant but a variable that can be transformed: anarchy and international structures are what states make of them. International normative structures can follow different organizing rules and norms, such as Hobbes, Locke or Kant style of international cultures, respectively.³⁵¹ International institutions and norms then gain an unprecedentedly fundamental position, combining values with constitutive power that are more than instrumental.³⁵² The normative stance of constructivism means that it regards international norms from the Western world that are liberal as the most just and desirable blueprints for the world to model. International institutions that include values of embedded liberalism are the “good” and to some extent universal norms that should be promoted in the world, and thus constructivism is transformed into “liberal constructivism”. It is obvious that liberal institutionalism serves as a key link in the development of international relations theories. It overlaps with both realism and constructivism. On the one hand, it provides a buffer for the naked operation of power politics in the international system; on the other it is the forerunner of constructivism’s notion that international institutions and cultures are essential in organizing international society. But it is a pity that constructivism does not

³⁴⁹ Gerald Chan, “China Faces the World: Making Rules for a New Order?” *Journal of Global Policy and Governance* 2013, 2, pp. 105–119.

³⁵⁰ This actually proves that institutional factors alone indeed cannot explain fully world politics. We may have international institutions, but various institutions can be implanted with different ideas and values. So ideas and the way they are transmitted in international society matter besides international institutions’ supportive function.

³⁵¹ Alexander Wendt, *Social Theory of International Politics*.

³⁵² John Ruggie, *Constructing the World Polity: Essays on International Institutionalization*, New York: Routledge, 1998.

further explore the models of international institutional change and limits its focus to how “good” and liberal international norms are growing and spreading in international society in a top-down manner. State agency is subsequently buried under the authority and pressure coming from international norms. This highlights that international relations theories from different geographic areas naturally have divergent orientations and ambitions, just as international institutions which are diverging spontaneously.³⁵³

Due to their normative and ideological convergence, liberal institutionalism and constructivism merge, as noted above, and this normative bias consolidates existing international institutions mainly according to the Western liberal standards. However, this theoretical convergence neglects the potential for the development and evolution of the current international institutional system.³⁵⁴ This can be regarded as “the end of international institutional history”. This approach to institutional analysis ignores the possible international institutional divergence, theoretically and practically, and the potentials and tensions for international institutional change.

As a matter of fact, a similar problem applies to the English School in international relations theory too. Like constructivism, the English School emphasizes internationally common ideas, knowledge and culture, and the international system is not simply based on material forces but in fact has an ideational foundation. International society is the basic concept while international institutions are the background forces support its operation.³⁵⁵ Though a global society stressing individual rights might not be a viable possibility, international social life apparently has social ingredients that have evolved beyond the inorganic international system. A set of common rules and norms are there for the governance of states’ co-existence and their social exchanges. But it is exactly when a system of institutions emerges for international governance that the problem of understanding international institutions and norms in a linear and monolithic manner emerges. The critical problem for treating international institutions and international society this way stems from the fact that rules for

³⁵³ Amitav Acharya and Barry Buzan eds., *Non-Western International Relations Theory: Perspectives on and Beyond Asia*, New York: Routledge, 2010.

³⁵⁴ Pu Xiaoyu, “Socialisation as a Two-way Process: Emerging Powers and the Diffusion of International Norms,” *The Chinese Journal of International Politics* 2012, 5, 4, pp.341-367.

³⁵⁵ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, London: Macmillan, 1977.

governance in the centre and the periphery are different, as argued in Chapter 2 on international institutional divergence. The basic rule governing relations among civilized states is international law, while the rule between civilized and uncivilized states is gunboat diplomacy; civilized states can engage states at the periphery of civilizational standards with a carrot and stick: unless barbaric states transform their domestic and international institutions and behaviours according to civilizational standards, they do not deserve to be treated as like-minded peers with the same rules. States at the periphery socialize themselves into the model of behaviour made by civilized states, and then move into the central zone of civilization.³⁵⁶ But the fault of this linear socialization process is that after the peripheral states struggle into the core, they themselves apply the same dichotomous standard to other states still at the periphery. They not only internalize the rules of international law, they are impulse to use coercive diplomacy is also implanted into their identities.³⁵⁷ In addition, the standard of civilization is not a “thing” but a process that is always changing and being remade by the states in the central zone. Since the rule-making authority is controlled by a small number of states in the core, new arrivals in the central area may feel powerless and humiliated because of their lack of institutional leadership.³⁵⁸

It should be noted that the English School’s insight to treat international institutions and norms as the operational principle of international society is progressive, compared to realism which only studies material power comparison in international system. And it also goes a step further, as constructivism does, than liberal institutionalism by considering normative and ideational factors in the organization of international society. But due to its normative and ideological deficiency, like constructivism it invents a set of standards of civilization that in some sense splits the international society while striving to unite it. As we argue in this thesis, international institutions are diverging and changing all the time, and the forces propelling institutional change and evolution do not necessarily come from the central zone of governance or during an institution’s flourishing period. All the “teachers” have to be

³⁵⁶ Edward Keene, *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics*, New York: Cambridge University Press, 2002; Zhang Xiaoming (张小明), “诠释中国与现代社会关系的一种分析框架 (An Analytical Framework for Interpreting the Relationship between China and the Contemporary International Community),” *World Economics and Politics* (世界经济与政治) 2013, 7, pp. 23-47.

³⁵⁷ Shogo Suzuki, *Civilization and Empire: China and Japan’s Encounter with European International Society*, London: Routledge, 2009.

³⁵⁸ Ayse Zarakol, *After Defeat: How the East Learned to Live with the West*, New York: Cambridge University Press, 2011.

“students” first to reach the position of authority that administers socializing power step by step. Understanding international institutions in a teleological and monolithic way can under certain conditions push institutional development in the opposite direction to justice and fairness, or even result in wars among institutions. As will be argued later, international institutional change can happen in a peaceful way instead of causing conflicts and wars among different institutional paradigms. And this smooth and peaceful institutional evolution is better for the maintenance of a stable international society.

To sum up, in existing international relations theories, realism explains change in the international system by emphasizing states’ power and national interests, while international institutions are only the accompanying ornaments that follow changes in the balance of power between states. Liberal institutionalism and constructivism on the other hand, admit international institutions’ autonomy and authority and see the institutional arrangement as based on liberal ideology, but neglect the possibility of international institutional divergence and change. This thesis follows constructivism in that international institutional change is the essence of the transformation of the international system, but it also argues that we need to analyse the possible divergence of international institutions along various dimensions. More exquisite manifestations of structural changes of international institutions need to be explored during processes of change.

International institutional change beyond punctuated equilibrium

Liberal institutionalism, arguing that international institutions can improve welfare and increase efficiency, holds that institutions can reduce transaction costs when they are working effectively, otherwise rational states would not waste time and resources on building them. But following this logic of efficiency, international institutional arrangements are locked. If welfare-improving international institutions are established, efficient institutions require no additional efforts for reform and change. Since states have no motivation to change the efficient rules they have made, the origins of international institutional change must be exogenous. Changes in the balance of power within institutional arrangements, unpredicted

factors, or even great wars as external forces outside of institutions themselves are the catalyst for international institutional change. According to the efficiency logic of institution building and maintenance, no endogenous origins of institutional change can be discovered since institutional arrangements cannot be designed inefficiently when their masters are rational states.³⁵⁹

In the constructivist research agenda concerning the effects and transmissions of international institutions and norms, international normative structures are usually assumed and static; the focus is on how these existing international norms are socialized and internalized in states and their domestic societies. However, regarding the sources and mechanisms of international normative change, more studies are needed to enrich this intentional or unconscious neglect. Indeed, there are many studies on how domestic institutions are transformed under the international institutional pressures, but usually the international institutions and norms in this stream of research are static and locked. As discussed above, this is a linear and monolithic understanding and assumption of international institutions. When studying a particular institution's life cycle, a desirable normative structure has already been confirmed. In general, rationality, science, human rights, democracy and other enlightened ideas are embedded within the presumed international norms, while the key agenda in this paradigm is to explain how these good international norms travel in international society.³⁶⁰ The change and evolution of international norms and institutions then has to be omitted, and again we cannot find an endogenous explanation of international institutional change.

Since international institutions originally take no fundamental position in terms of power and interest, the causes of institutional change in the international system must be exogenous. And among various factors, circular hegemonic wars following change in the power structure of the international system must be the most important variable for institutional change. Or

³⁵⁹ Wolfgang Streeck and Kathleen Thelen eds., *Beyond Continuity: Institutional Change in Advanced Political Economies*, New York: Oxford University Press, 2005; James G. March and Johan P. Olsen, "The Institutional Dynamics of International Political Orders," *International Organization* 1998, 52, 4, pp. 943-969.

³⁶⁰ Amitav Acharya, "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism," *International Organization* 2004, 58, 2, pp. 239-275; Charlotte Epstein, "Stop Telling Us How to Behave: Socialization or Infantilization?" *International Studies Perspectives* 2012, 13, 2, pp. 135-145; Pu Xiaoyu, "Socialisation as a Two-way Process: Emerging Powers and the Diffusion of International Norms."

more accurately, international institutions are only the by-product of change in international system caused by power transition among great powers.³⁶¹

By reviewing the existing paradigms of international institutional change in international relations theories it becomes clear that there is no model for the endogenous change of international institutions. In acknowledging the essential role of international institutions for the insurance of stable international order and effective global governance, a theoretical model for explaining international institutional change must be developed for a better understanding of dynamic international institutions' functions in international governance. Questions need to be asked such as: How has the international institutional system developed and evolved since the end of the Second World War? How will the rise of a group of emerging powers influence the existing international institutions? What kind of international system and order are appearing with the reform of current international institutions? In this transformational international system, how will China and other emerging powers integrate with existing institutional arrangements, and how will they reshape them?³⁶² Is the existing international institutional system resilient and adjustable enough to guarantee the peaceful transformation of the international system? Are current international economic institutions able to cope with the lingering effects of the global financial crisis?³⁶³ In specific issue areas, the mechanisms of international institutional change are necessary for understanding international governance too. For example, how has the international whaling institutional system evolved from 1946 till today? Against the background of international institutional change, why do Japan, Norway and other states' whaling activities stir such huge international controversies? Is a new international whaling norm emerging through the efforts of Japan and other state and non-state actors? Are current international whaling institutions just and effective?³⁶⁴

³⁶¹ Robert Gilpin, *War and Change in International Politics*.

³⁶² 2014 *Global Governance Report*, School of International Relations & Public Affairs, Fudan University.<
<http://www.sirpa.fudan.edu.cn/picture/article/56/8e/f1/a8238b2e4977a088bc7bcdcdf013/6c78f88d-59e6-437b-a508-16439086ca07.pdf> > (accessed 14th August, 2014.)

³⁶³ Daniel W. Drezner, "The System Worked: Global Economic Governance during the Great Recession," *World Politics* 2014, 66, 1, pp. 123-164.

³⁶⁴ Charlotte Epstein, *The Power of Words in International Relations: Birth of an Anti-Whaling Discourse*, Cambridge, MA: The MIT Press, 2008.

All these complex questions cannot be answered without a good explanation of international institutional change. Among the many issues surrounding international institutional change, this chapter mainly focuses on the following question: What are the structural features of institutional substitution and change in an environment of international institutional divergence? Or from another angle: Can international institutional change happen in a subtle, gradual and endogenous manner instead of being achieved only through grand and violent events? The latter mechanism is called the punctuated equilibrium model of institutional change.³⁶⁵ According to this mechanism, institutions are path-dependent and the existence of institutional inertia means that institutional change is very difficult to realize. Institutions' operation can be divided into two periods: stability and fluctuation. Institutions can only be transformed in a period of fluctuation through exogenous forces like war or revolution. But this chapter argues that international institutional change can be realized endogenously in a gradual and peaceful way. The everyday practice of agents in their social exchanges can sow the seeds of institutional change. In international society, one of the most critical mechanisms for international institutional change is the divergence of international institutions. The tensions born out of the interactions among institutions can subtly propel the change of an international institution and its related counterparts simultaneously.

This chapter in fact does not aim to put forward a new theory for international institutional change. It only points out that international institutional divergence and interaction can be one mechanism for institutional change in international society. It might not be the underlying cause for institutional change, but international institutional divergence and interaction has the potential to discover the structural features of international institutional change. Borrowing theoretical models for the interaction of formal and informal institutions in economic sociology and comparative politics, this mechanism for international institutional change based on international institutional divergence may contribute to our understanding of institutional evolution in international society.

Before illustrating the structural characteristics of institutional divergence and their implications for institutional change, we briefly analyse the driving forces for international

³⁶⁵ Jeff Colgan, Robert Keohane and Thijs Van de Graaf, "*Punctuated Equilibrium in the Energy Regime Complex.*"

institutional change, which relates to our discussion in Chapter 4 on social relations as the driving forces of states' institutional choice. Power, trust and other dimensions of social relations are also impetuses for institutional change from the structural side, and below we explore this by looking at case studies of subtle institutional change. As Chapter 2 has argued, in real life no institution or social norm can be effective and legitimate enough to fully reach its governance targets, especially when institutions are moving in different times and spaces. Every institution has its territory of effective governance, and the limited rationality of agents' decision-making systems and the numerous uncertainties in environments mean that an institution can only reflect the preferences and interests of people living in specific social and physical contexts. As Kathleen Thelen and others have shown, the distributional effects of institutions provide strategic loopholes for agents' promoting of institutional change that are favourable to their interests. Drift, conversion, displacement and layering are possible models of gradual institutional change. No matter what type of institutional change might be occurring, however, Thelen argues that the general institutional environment, specific features of institutional arrangements, and the strategic interaction of agents based on their power structure are the factors that can influence institutional change process.³⁶⁶ Victor Nee and Sonja Opper argue that the great transformation in China's political economy after 1978 was initiated by the vitality of informal social norms existing beneath the formal state apparatus.³⁶⁷ Since China's implementation of its Reform and Opening-up policies, entrepreneurs in the market and society have been taking advantage of the transformations of the changing macro-political and economic institutional environment. In the new strategic space where resources are distributed by the market instead of state mechanisms, entrepreneurs rely on informal social ties and social norms based on various social connections to limit risks and share opportunities. Through self-organization by informal social norms, township and village enterprises and a private economy have been developing rapidly, laying the foundation for the rise of capitalism with Chinese characteristics. When the central government began to acknowledge the importance of the private economy's role in China's political economy, the private sector had already developed and informal

³⁶⁶ Wolfgang Streeck and Kathleen Thelen eds., *Beyond Continuity: Institutional Change in Advanced Political Economies*; James Mahoney and Kathleen Thelen eds., *Explaining institutional change: Ambiguity, agency, and power*, New York: Cambridge University Press, 2010; Kathleen Thelen, "Beyond Comparative Statics: Historical Institutional Approaches to Stability and Change In the Political Economy of Labor," *Oxford Handbooks Online*. 2010-05-02. Oxford University Press. Date of access 25 Sep. 2014, <<http://www.oxfordhandbooks.com.ezproxy.auckland.ac.nz/view/10.1093/oxfordhb/9780199233762.001.0001/oxfordhb-9780199233762-e-3>>.

³⁶⁷ Victor Nee and Sonja Opper, *Capitalism from Below: Markets and Institutional Change in China*, Cambridge, MA: Harvard University Press, 2012.

institutions are now leading the development of formal institutions. Kellee Tsai applies a similar institutional logic to illustrate the vectoring of endogenous formal institutions by informal adaptive institutions in the Chinese political economy.³⁶⁸

The above studies stress that the tensions embedded within the cracks between institutions can act as catalysts for institutional change. One form of institutional divergence, namely the interaction of formal and informal rules, is underlined as informal institutions beneath formal ones can produce motivation and power for potential change. Institutional change does not have to be realized through great events as indicated by the punctuated equilibrium model. Before the critical junctures arrive, a relatively stable period for the building-up of power is necessary. Against the backdrop of institutional divergence, actors' strategic interactions at institutional boundaries, especially in the cracks between formal and informal rules, can help impel the transformations of institutions in a gradual and relatively peaceful way. When institutional changes happen in a big-bang manner, the accumulation of quantitative and subtle changes is also required. The above research also shows that this form of institutional change happens in the background of both the developed capitalism world and developing countries, including China where social and economic institutional systems are under tremendous transition pressures. This chapter argues that this logic of institutional change can be applied to the international system too.

What there are the forces behind these institutional features that result in institutional tensions and changes? As Chapter 4 has demonstrated, social relations of power are paramount in states' institutional choice, and subsequently power relations also cause changes in institutional arrangements. Besides naked coercive power, power embedded within trust relations is also crucial. Firstly, even though in the end explicit power bargaining has to be conducted to resist existing institutional arrangements, institutional entrepreneurs above all should gather momentum by uniting other actors with similar institutional preferences. This is a process of collective action in which trust and social capital are activated. Secondly, ensuring the normal operation of an institution by using only coercive power will involve huge governance costs. Though sometimes coercion is indispensable, in the long term it is not

³⁶⁸ Kellee S. Tsai, "Adaptive Informal Institutions and Endogenous Institutional Change in China," *World Politics* 2006, 59, 1, pp. 116-141.

reliable due to its deficiency in authority. If a community can be built where actors' fates get linked together through some sort of trust and identity relations, the maintenance and transformation of institutions within the community can be achieved in a peaceful and stable way. Under certain conditions, because of the lack of authority and trust transferred from some agents, institutions and their supporters will tend to apply brutal force to maintain existing rules, but this means of institutional implementation may in fact cause more revolt. At other times, though some institutions and their promoters hold the authority and trust from other peers, they may still be more than willing to strengthen an institution but lack the necessary power to do so. In the processes of institutional change, power as a bundle of social relations is embedded in both coercion and trust. Coercion and trust are inseparable vertical and horizontal social relations flowing as the driving forces of institutional change. When lacking any part of the coercion and trust dialectics, institutional change can be struck with no momentum.

After endowing institutional change with power relations as its driving force, in the following section we analyse how institutions can achieve transformation by the aid of tensions in their interactions in a gradual and subtle way. Of course, any form of institutional divergence can result in interactions among institutions. Moreover, the mechanisms of interactions, institutional operations, and changes are similar. Here the focus is the divergence of formal and informal international institutions. Focusing on the interaction between formal and informal rules, lessons can be drawn from studies in economic sociology and comparative politics. Applying a similar discourse to existing institutional analysis on the domestic level to international society enables comparisons between institutional divergence and change at different levels of human society.

Gradual international institutional change led by informal institutions

We have so far discussed four potential scenarios of the interaction between formal and informal international institutions. Among multiple institutions' interactions, the mutual learning of values and ideas, the sharing of best practices and the breaching of each other's

governance results are all possible scenarios. Though multiple institutions co-evolve and change simultaneously in complicated and interactive processes, here we focus only two international institutions for the convenience of analysis. These international institutions belong to the formal and informal categories respectively. Moreover, we only pay attention to the changes in the formal international institutions. Taking the formal institutional change as the dependent variable and instructional divergence as the independent variable, we try to find out how international institutional interaction propels change in formal institutions driven by coercion and trust social relations.

In reality, even when formal and informal international institutions act on their free will without influencing each other's rule of governance, they can only stay stable relatively while their changing is a constant. But it is very rare that an institutional can be totally separated from its connected institutional environment, as a total anarchy state without any institutional arrangement is seldom seen. The "lonely" institutional change that happens for an institution in an isolated context is not discussed here. International formal and informal institutions can learn from each other's ideas and practical governance applications, and change gradually or even merge to some degree when they are in synergistic relations. Essentially, in this situation when formal and informal institutions are in a relative harmonious relationship, the implementation costs of institutions can be reduced greatly and governance usually is very effective and authoritative. But because of the good and stable governance relations and no conflict in their interactions, the motivations for institutional change from the agents' side will be nearly absent. Thus, when formal and informal institutions coordinate tacitly in support of each other's rules, institutional entrepreneurs feel no pressure to reform the existing institutional system. Therefore, this interactive scenario is also omitted from this analysis.

However, when international formal and informal institutions are working in conflict, states' compliance with them will be greatly influenced, as Chapter 3 argues. This change in compliance by different agents can put pressure on and produce tension within the institutional environment. Institutional change is bred exactly in these mutual and interactive transformations of both the agents and institutions in response to the changing of existing conditions. Under these conditions, institutional change is not going to be completed

overnight. It might take on a violent and acute form like war or social revolution in the climax of institutional change, but this is not a necessary outcome. Most importantly, before reaching the peak of institutional change a long-term and gradual process launched by institutional entrepreneurs has to be experienced in general. International informal institutions usually breed within the framework of formal institutions, and the formal ones are the objects of reform explicitly or implicitly as a result of the informal ones' stance. On the other hand, supporters of formal institutions may be dissatisfied with or neglect the emergence of informal institutions. Informal institutions also may be totally unexpected consequences that were not predicted at the start of strategic actions. Regardless of their origins, once they emerge within the existing formal institutional context, informal institutions normally are firm and tenacious. Though supporters of formal institutions can try to get rid of informal ones through coercive measures, this can hardly be achieved because what they are confronting is an organized and systematic aggregation of ideas that has a certain degree of authority. From the institutional divergence perspective, in this scenario informal institutions' capability may have broken through the existing zone of governance of the formal institutions. Therefore, after approaching the tipping point of institutional territory, international formal institutions have to adapt to various degrees under the influence of their informal counterparts. Institutional change would then be irresistible and some sort of substitution has to be realized through the negotiations between formal and informal international institutions.

Several conditions have to be met for this type of institutional change to occur. Firstly, formal international institutions have no capability to prevent the emergence of informal institutions. Because of the divergence of international institutions, this will always happen in the long run. In reality, the specific reasons for the appearance of informal institutions might be the change of balance of power among agents within formal and informal institutional context; the deficiency in governance effects in existing formal institutions; the unjust rules within formal institutions that hurt their legitimacy; or the limited cognition ability of agents that they cannot predict the potential challenges hidden within the existing institutional system.

Secondly, informal behaviours have to be organized as an institutional system through institutional innovations within existing institutional arrangements. Only an institutionalized force as aggregations of ideas can gain the potential to shake the ruling institutions in the long

term. International institutions are path-dependent and may accumulate their strengths with the evolution of historical processes.³⁶⁹ With the accretion of institutional legacies, an institutional arrangement can win a more and more stable foundation through the creation of a favourable macro-institutional environment, endowing power and authority to its backers, and socializing emerging agents with its specific cognition and identity setup via its ideological hegemony. Therefore, the survival environment of emerging informal international institutions is usually adverse. To realize an institutional breakthrough, informal institutions should build up capabilities first, both the hard power for material coercion and the soft power for relational authority. It is the depth and suitability of power bases that propel the change of international institutions as the fundamental driving force in the end. Next, promoters of informal institutions have to cultivate social capital.³⁷⁰ This means building a like-minded community with a necessary stock of trust and common identity for collective action. Indeed, sub-informal institutions can appear within informal institutional arrangements themselves. But healthy and relatively harmonious links among various segments of informal institutions have to be maintained to hold the informal institutional system together.

Thirdly, institutional entrepreneurs need to assemble their institutional ideas and ideals into a system of discourse. Fragmentary concepts and accidental emotional appeals cannot be effective institutional weapons and alternatives for the conventions within the powerful formal institutional system in place. In this sense, institutional contestations need imagination and innovation. Lastly, patience is an essential quality for successful institutional promoters. The proper management of a set of institutional ideas controlling and manipulating the grand physical and social environments that an institution is embedded within is required. This is a difficult task that needs long-term efforts to achieve.

Institutional change by substituting part or the whole of formal international institutions with informal ones in a gradual manner usually involves a long process of contestation. Here we

³⁶⁹ Paul Pierson, *Politics in Time: History, Institutions and Social Analysis*, Princeton: Princeton University Press, 2004.

³⁷⁰ Lin Nan, *Social Capital: A Theory of Social Structure and Action*, New York: Cambridge University Press, 2001; Francis Fukuyama, *Social Capital: The Tanner Lectures On Human Values*. <http://tannerlectures.utah.edu/_documents/a-to-z/f/Fukuyama98.pdf> (Accessed 27th September, 2014.)

do not aim to define the exact process of coercive and authoritative power operations behind institutional divergence and interactions. Our focal point is the influence of structural and institutional interactive dynamics on the potential change in institutions. The aim here is to understand the structural characteristics of formal and informal institutions when they are changing. Though this type of institutional change is subtle and gradual, it is not necessarily peaceful and stable. Take melting ice in a spring river, for example. With the rise of temperature in the spring, the ice in the river gradually dissolves into water. This is a relatively endogenous process, but we may also break open the ice layer using an axe in a violent manner. Letting the ice melt naturally or breaking it up forcefully are both possible options. What is emphasized here is the relatively endogenous and subtle institutional change through institutional substitution that is often omitted in analysis of institutional change in the international system. Indeed, under certain conditions some sort of violent or conflicting measures are needed for institutional change. However, all types of institutional change should include a subtle and gradual stage in which formal and informal institutional interactions happen.

Here we propose an institutional framework that contains both formal and informal international institutions to better explain their mutual transformations. As for the exact means of institutional change – punctuated equilibrium or endogenous institutional substitution, violently or peacefully – this is an empirical issue determined by the historical contexts institutional entrepreneurs are living in. Indeed this is also a normative issue too. When multiple institutional arrangements exist and they cannot dispel or annex each other, should we apply a conflicting or encompassing worldview to confront international institutional divergence? Ideas, ideologies and worldviews will significantly influence states' institutional choices, and subsequently the manner of international institutional change and the stability of the international system.

One point that needs to be reinforced here is that the interactions between formal and informal international institutions are endless. Even if in a specific context they complete a type of substitution and change, a new process will then start immediately. In these complicated processes, efforts that aim to achieve great institutional changes such as wars or revolutions are sometimes undertaken, but this not a necessary scenario for institutional

change, even in international system with no world government. Fundamentally, international society is operating in a space full of institutional tensions. One round of institutional substitution results in another cycle of institutional evolution. At any particular historical moment, a state is regulated by multiple international institutions, both formal and informal. States are constrained under international institutional pressures, but they can be liberated thanks to the certainties international institutions provide. In essence, international institutions as social structures are relatively stable in their time and place. But international institutions are not living alone. In a social environment with multiple international institutions, each institution is always changing in the long-term together with its collaborators and competitors. In this way the eternal tensions and changes within international institutional divergence are latent in their comparatively stable conditions.

The change of formal rules for the governance of international whaling can well illustrate international institutional changes under institutional divergence conditions. As discussed in Chapter 4, with states' institutional choices under the pressure of changing formal and informal rules, every wave of formal institutional change happens only after a period of informal institutional emergence and momentum building. From the 1950s to 1970s, the formal and informal rules for international whaling were set by the pursuit of commercial interests. This congruence between formal and informal rules created a relatively stable institutional environment for the interests of whaling companies and their state representatives in the International Whaling Commission (IWC). Although from an sustainable, ethical or scientific perspective these formal rules did not practically prevent the overharvesting of whales in the international public domains, we should keep in mind that the real motivations for designing institutional arrangements this way during this period were reflected in the rules made by the IWC. From the standpoint of the whaling nations, both the formal and informal international rules governing whaling must be "effective" and convenient. Whaling states were the main actors with the power to set the formal rules based on their informal habits and behaviours of international whaling. Without other informal institutional ingredients and alternatives being input into the existing institutional context, institutions for the regulation of whaling lacked incentive to change.

The institutional composition of the IWC began to change from the 1970s, however. The regulation of whaling following the standards set by scientific evidence and ethical constraints gradually prevailed over the traditional informal rules based on commercial profits. Anti-whaling states and non-state actors' calls to hunt whales according to sustainability and even for a blanket ban on any sort of whaling materialized into formal international rules for whaling through a complicated process. Like-minded anti-whaling states realized their institutional substitution with the 1982 moratorium on commercial whaling. Since then, the formal rule prohibiting commercial whaling has maintained its dominant position within the IWC. How then did the anti-whaling states manage to transform the formal rules in the IWC? Firstly, anti-whaling states and non-state actors organized a system of institutions that opposed whaling based on scientific facts and ethical ideas. Since the 1970s, it has become a scientific consensus even among pro-whaling states that international whaling should be governed rationally and sustainably to avoid the extinction of some types of whales. Moreover, environmental social movements also started to proliferate domestically and transnationally in Western societies. Whales have since then become a symbol of environmentalism based on green and animal rights ideas. These various voices against whaling were aggregated into systematic institutions with sacred authorities. Their institutional and organized status unites a group of anti-whaling states working for their cause within the IWC. Secondly, the anti-whaling group amassed the power base to carry out their institutional strategies. As well as the United States' tremendous economic and diplomatic resources, even non-governmental organizations like the Greenpeace contribute financially to influence IWC voting and to antagonize Japanese whaling fleets on the high seas.³⁷¹ In addition, the anti-whaling community is a relatively tight-knit group with an explicit identity, huge social capital, and unambiguous institutional aims.

Depending on a powerful institutional foundation, anti-whaling states succeeded in transforming and maintaining the formal rules within the IWC through their hard and soft power operations. But international institutions are always divergent and changing. Similar institutional strategies are being applied by pro-whaling states and non-state actors to resist the current formal rules for whaling governance in the IWC. Thus the formal rule banning commercial whaling is confronting great pressure from the pro-whaling group's institutional

³⁷¹ Elizabeth DeSombre, "Whaling," in *Global Environment and World Politics*, London: Continuum, 2002, pp. 119-142.

operations in the spaces embedded in institutional divergence. By influencing IWC voting, practical whaling, and alternative institutional establishment activities, the pro-whaling group is trying to change the formal rules in the IWC to their advantage.³⁷² Thus, when formal and informal institutions are in a conflicting relationship, formal rules accordingly face the pressures of reform and change. And when the respective groups with different institutional preferences both possess certain stocks of hard and soft power, institutional deadlock tends to result, as is the case with the IWC.³⁷³

To understand the transformation of international institutions such as the formal rules of the IWC for whaling governance, it is important to gauge the gradual informal institutional building and promotion beneath the formal institutional frameworks. When international institutions are congruent, institutions are stable with good governance effects for the key players in the institutional context. These key players usually possess material instruments and social capital for the implementation of their institutional preferences. When institutional institutions collide, informal institutional arrangements may gradually substitute for part or the whole of formal rules if their supporters are powerful, innovative, and patient enough in their institutional strategies. International institutions may experience drastic or mild transformations. Whatever the specific form of institutional change, gradual and subtle institutional formation and promotion processes are needed to challenge the existing institutional arrangements.

Conclusion

Besides significantly affecting states' institutional choices, international institutional divergence also has a great impact on the structural dynamics of international society. This chapter has explored how international institutional divergence influences institutional

³⁷² Jennifer L. Bailey, "Arrested Development: The Fight to End Commercial Whaling as a Case of Failed Norm Change," *European Journal of International Relations* 2008, 14, 2, pp. 289-318; Jonathan R. Strand and John P. Tuman, "Foreign Aid and Voting Behavior in an International Organization: The Case of Japan and the International Whaling Commission," *Foreign Policy Analysis* 2012, 8, 4, pp. 409-430.

³⁷³ Ian Hurd, "Almost Saving Whales: The Ambiguity of Success at the International Whaling Commission," *Ethics & International Affairs* 2012, 26, 1, pp. 103-112.

change. In agreement with constructivism and the English School, this chapter argues that institutional change is the essential transforming force of the international system. Countering the conventional theories that attribute the change of international institutions to exogenous factors such as hegemonic wars or other great fluctuations, or see international normative structures as static according to some presumed ideologies or worldviews without acknowledging their potential for change, this chapter has shown that international institutions may change endogenously under the condition of institutional divergence.

International institutional change can happen gradually and subtly without a big bang when international institutional arrangements are conflicting with each other. International institutions cannot emerge overnight. Before an international rule establishes its position, each has to compete and coordinate with other institutions, and institutional entrepreneurs need to accumulate soft and hard powers to accomplish their preferred directions of institutional change. Even if a big bang is needed for an institutional change, alternative institutions' formation and promotion usually involve a slow process. The structural features of international institutional change need to be discovered in international institutional divergence.

CONCLUSION

Using the concept of international institutional divergence as a connecting thread, this thesis has attempted to explicate the origins, forms, mechanisms and consequences of the predominating style of institutional politics in 21st century international society. The important question of why international institutions matter has been answered in terms of a social environment that has multiple international institutions. Specifically, states' institutional choices and international institutional change have been explained from the perspective of international institutional divergence, which is the natural consequence of institutional interaction. A new theory on international institutions has not been advanced; rather a different perspective has been adopted to reveal some interesting mechanisms in the political operations of international institutions. This thesis does not aim to challenge the basic paradigms based on the foundations of efficiency and legitimacy. States' institutional choices are still determined by both rational calculation and social pressures, and the understanding of international institutional change cannot escape the logics of consequences and appropriateness.³⁷⁴ In the context of institutional divergence, the working mechanisms of international institutions at the structural level reveal some hitherto unnoticed characteristics. Interactions in the cracks of international institutions blur the borders between them. International institutions continually develop tensions through their interactive dynamics. Besides expanding our understanding of the ecology of international institutions, this thesis also identifies social relations as the motivating power for institutional choice at the agent level and institutional change at the structural level. The relational power hidden beneath the social relations among states is the real source of the institutional politics of institutional divergence.

The social world is organized around a bundle of imaginations. Dreams are by definition surreal, but in some cases they can influence the development of the real world. Institutions are divergent, like the diverse imaginations of humanity. A worldview is a certain form of imagination concerning how to organize and govern social life. With the changing of a monolithic and static worldview concerning institutions into a plural and dynamic one, we are

³⁷⁴ This thesis has put forward "logic of social relations" that treats social relations as the driving forces of institutional politics, in the aim of resisting the conventional institutional logic which is static and monolithic.

discovering new political models for the operations of international institutions. This indeed can be treated as one manifestation of institutional or normative divergence. The concept of international institutional divergence did not actually arise from this transformation of the old worldview, however; nor is it an assumption. It is a simplification of the real functioning of international institutions. Recently the interactions and network status of international institutions have become one of the research frontiers of international institutional analysis. This analysis of the interaction between international formal and informal institutions has shown that international institutional networks and complexes existed long before the world political organization of the 21st century. Such interaction has existed since the emergence of cross-border social exchanges in the international society. With the development of globalization, how to manage the relations among multiple international institutions is an urgent project both empirically and normatively for organization and governance in world politics.

International institutional divergence: Origins, forms and consequences

In the processes of international social organization, why do international institutions diverge? The inspiration for the understanding of international institutions developed in this thesis comes from institutional analysis in domestic societies. Both international and domestic political organization have to select effective and authoritative governance models among hierarchy, market and network ideal types. Good governance and social order maintenance cannot be achieved without supportive roles being played by institutional arrangements. Institutions are essential social adhesives in both international and domestic governance, where similar institutional logic is unfolding. Concepts such as formal and informal norms, concepts describing the spatial dimension like centre and periphery, and notions depicting temporal divergence like flourishing and declining or stagnant and dynamic are often applied to analyse the complicated relations among state, market and society as the core instruments for social organization and order.³⁷⁵ With the dialectical development and reversal caused by

³⁷⁵ Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action*, New York: Cambridge University Press, 1990; Peter B. Evans, ed., *State-Society Synergy: Government and Social Capital in Development*, Berkeley, Calif.: University of California at Berkeley, International and Area Studies 1997; Joel S. Migdal, *State in Society: Studying How States and Societies Transform and Constitute One Another*,

globalizing processes, international and domestic politics are interacting in an interdependent manner. Apart from the substantial linkages that cross national borders, the formal logic of the working of domestic institutions should also be applied to the international society. Accordingly, we can identify a divergent ecology along various dimensions of international institutions. Bounded rationality and the pervasive uncertainty in the international system are the origins of the divergence among international institutions. In the concrete environment of institutional divergence, social relations of coercion and trust and the political processes of domination and resistance are mixed as a hybridity.

The interaction of formal and informal international institutions as one manifestation of institutional divergence has been emphasized in this thesis. This type of divergence in fact is one of the basic forms of institutional dynamics at all levels of social life. The exploration of institutional divergence from the spatial or geographical dimension can expand existing research agendas studying international institutional effects. We can trace institutional interactions and divergence from the level of civilization, region, sub-region, to city and many other social organizations according to the categorization of geographical areas. Using virtual and mental maps based on collective identities, we can probe the politics of institutional divergence from the perspectives of feminism, nationalism, racialism and many other normative standards. International institutional divergence can also be analysed temporally to explicate the flourishing, stable and declining phases of institutions.

We can generally find three scenarios of the interaction and divergence of international institutions. Division of labour without mutual influence; sharing weal and woe; and counteracting the governance effects of each other are the potential circumstances of institutional divergence. States with various institutional preferences can gain more flexibility in their compliance and other institutional choices when they exist within a social context with multiple international institutional arrangements. And when states possess an advantageous position in social structures and have the capability for implementing their institutional strategies, they even can take advantage of the spaces along the borders of

New York: Cambridge University Press, 2001; Lauren M. MacLean, *Informal Institutions and Citizenship in Rural Africa: Risk and Reciprocity in Ghana and Cote d'Ivoire*, New York: Cambridge University Press, 2010.

institutions by withdrawing specific institutional arrangements and initiating alternative ones. When trying to comprehend the mechanism for institutional effects and states' compliance in an environment where institutions are influencing each other, the existing efficiency and legitimacy mechanisms reveal some deficiencies in their explanations. Moreover, understanding institutional effects in the context of institutional divergence can to some degree mitigate the endogeneity difficulty methodologically.

Some new insights into international institutional change can also be gained by understanding the dynamics of institutions against the background of institutional divergence. When tensions are emerging along the borders of institutions, they can bring about endogenous change gradually and subtly. International institutions in opposition can make gradual changes to appeal to states with different preferences and social environments that are changing in an uncertain way. Ambitious states can seize the opportunity for institutional transformation by accumulating economic resources and social capital, refining their skills in institutional innovation, and cultivating a patient mentality. Punctuated equilibrium is not the only mechanism of institutional change in the international system; international society can achieve peaceful and stable transformations following the gradual changes of international institutions. Even if a big-bang institutional change is inevitable under certain conditions, a long period of competition, formation and promotion of alternative institutional arrangements in institutional interaction and divergence usually occurs before any drastic transformation.

Policy implications

Risks are controllable to some degree but uncertainties are totally unknown territories. International institutions make transnational exchanges relatively predictable. But their divergence creates unpredictability in international society together, along with both risks and opportunities. Against this background of complicated and uncertain institutional divergence, how can states facilitate favourable institutional structures? An institution cannot survive when it is decoupled from an institutional environment with multiple institutional clusters. States, too, have to find and create opportunities and strategies in their interactive relations

with other states and institutions for institutional innovation. Thus this thesis adopted methodological relationalism instead of methodological individualism and holism to better grasp agents' institutional choice. Methodological relationalism treats flowing social relations as the fundamental driving forces impelling the functioning and changing of institutions. Only by placing agents' preference and power, and collectives' identities and persuasions, within ever-changing social relations can they be made meaningful. With social relations as the impetus, institutional divergence becomes natural and rational. Institutional borders are accordingly blurred and porous in a context of institutional divergence, and the obstructions and favourable conditions for institutional implementations can be better identified. Among diverse social relations, relational power set within coercion, interest and trust structures is the most important dynamic source.³⁷⁶

In terms of the spatial dimension of institutional divergence, states should build up relational power if they intend to push their institutional preferences from the periphery to the centre zone of governance. Financial power has to be developed to provide a hard base for their soft institutional initiatives. Good ideas embedded within institutions cannot be diffused without necessary economic infrastructures. On the other hand, states have to foster and nurture their social capital in international society to establish authority and reputation. Pioneering institutional development should be conducted to make their ideas more legitimate and persuasive. From the temporal dimension, states should be aware that institutional promotion projects normally take long periods of time to accomplish. Patience concerning institutional popularization is as important as institutional imagination. International institutional development cannot happen at one stroke.

Conceptual exploration of international institutional divergence can shed new light on our understanding of institutional effects in international order and social control. International institutions are not omnipotent. They are pluralistic and diverse. Institutional centres and edges can be distinguished roughly, though these positions are in a process of change that can see them substituted partly or displaced totally. As the best fishing areas are usually located at

³⁷⁶ Li Zhichao and Luo Jar-der (李智超和罗家德), “透过社会网观点看本土管理理论 (On Indigenous Management Research From a Social Network Perspective),” *管理学报 (Chinese Journal of Management)* 2011, 8, 12, pp. 1737-1747.

the intersectional areas of ocean currents, potentials for institutional creation and update are hidden in the border regions and cracks among various institutional arrangements. Realists hold that power politics will reign in this situation through the operation of sticks and carrots by strong powers during the formation of international institutional complexes and networks.³⁷⁷ This thesis agrees that this possibility cannot be excluded, but such a scenario is not the final and inescapable fate of international institutional politics. The more international institutions the merrier is also a possibility, if they can maintain relatively stable and harmonious relations. The emergence of multiple institutional arrangements when international institutions are divergent can in fact provide more choices and possibilities for institutional innovations and global governance, while attempts to unify the whole world with one institutional system may result in institutional conflict and war. There are no absolute boundaries between the unification and division of plural institutions. The key is to keep a healthy balance between these two dialectical forces, like the necessity to preserve the delicate equilibrium between power and institutions.

The borders connecting institutions are moving back and forth with the changing of institutional divergence. Organic institutional change is non-linear, and follows a trajectory that hard to track. In world society today, it is impossible to apply one “universal” institution to all regions when multiple entangled institutions are interacting in a contested process of communication and exchange. Optimal institutions in some regions today may appear on the agendas of institutional building and reforming projects in other areas. But these kinds of institutional diffusions and implementations seldom achieve a complete institutional substitution. Institutional entrepreneurship cannot be accomplished only through the linking of institutions by “structural holes” or relational networks,³⁷⁸ and “creative friction” at the overlap of institutions is in demand in this globalized world.³⁷⁹ Recognition of the limits of international institutions is the prerequisite for their better functioning. To advance the

³⁷⁷ Daniel W. Drezner, “The Power and Peril of International Regime Complexity,” *Perspective on Politics* 2009, 7, 1, pp. 65-70.

³⁷⁸ Ronald Burt, *Structural Holes: The Social Structure of Competition*, Cambridge, MA: Harvard University Press, 1995.

³⁷⁹ Universal institutions are the obstacles to institutional innovations in a sense, while institutional diversity and divergence can impel institutional renovations. As David Stark argues: “...entrepreneurship, as an enabling capacity, proves productive not so much by encouraging the smooth flow of information or the confirmation of fixed identities as by fostering a productive friction that disrupts organizational taken-for-granted, generates new knowledge, and makes possible the redefinition, redeployment, and recombination of resources.” See David Stark, *The Sense of Dissonance: Accounts of Worth in Economic Life*, Princeton: Princeton University Press, 2009, pp. 18-19.

governance effects of the current international institutional system, diverse institutional arrangements, global and local, and historical and future, should be linked sustainably. Also, unprecedented institutional update projects should be initialized to reform the existing institutional system.

International institutions are processes, not things,³⁸⁰ and institutional divergence impelled by social relational dynamics has existed since the first transnational exchanges and clashes occurred along the institutional borders of the globe. These processes between the centre and the periphery, and the periods of relative rise and decline, are unlikely to end. With the deepening and broadening of globalization processes, the normative question of how to manage the relations among multiple international institutions has become one of the core issues for world political organization in the 21st century. A harmonious world is extremely hard to realize, but at the same time the concept of anarchy is not acceptable nor realistic because international institutional governance has become diffused and dense today. In the cooperation and conflict of hybrid institutional processes, the development of normative theories on international institutional divergence is extremely urgent for world order.

In this thesis, we have raised more questions than can be solved here. It is difficult to solve international issues concerning social organization in an ideal manner because questions and answers exist in a similar condition as institutions that are plural and divergent. It is obvious that the conflicting worldview of realism and the efficient and authoritative institutions assumed by institutional theories from the liberal institutionalism and constructivism can hardly provide complete solutions for the co-existence of multiple international institutions. Maybe only a divergent institutional philosophy can manage and organize the interactive dynamics among changing and diverse international institutions; only an encompassing mentality can guide our exploration of models for the co-evolution of pluralistic international institutions. This is a huge task, involving the attempt to integrate all salutary ingredients of

³⁸⁰ Mona Lena Krook and Jacqui True, "Rethinking the Life Cycles of International Norms: The United Nations and the Global Promotion of Gender Equality," *European Journal of International Relations* 2012, 18, 1, pp. 103-127.

world civilizations and institutional systems and substitute a conflicting and linear institutional ideology with a symbiotic worldview.³⁸¹

³⁸¹ Su Changhe (苏长和), “共生型国际体系的可能——在一个多极世界中如何构建新型大国关系(The Possibility of *Gongsheng* International System: How to Build a New Type of Big Countries Relations in a Multi-Polar World),” *World Economics and Politics* (世界经济与政治) 2013, 9, pp. 4-22; Ren Xiao (任晓), “论东亚“共生体系”原理——对外关系思想和制度研究之一 (On the Principles of the ‘System of Symbiosis’ in East Asia),” *World Economics and Politics* (世界经济与政治) 2013, 7, pp. 4-22.

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