1. Introduction to *Reconfigurations of Authority, Power and Territoriality*  

**Stephen J. Rosow and George Andreopoulos**

Since the supposed end of the Cold War there has been much discussion of reconfigurations of power, authority, and territoriality. Initially, globalization became a buzzword to describe the new era. In the era of globalization: the territorial state weakened; transnational and globally organized corporations eluded national government regulations; time and space compressed to the point that the world appeared flat once again; trade as a proportion of the gross national product (GNP) of many states increased; a global division of labor integrated far-flung areas of the planet, binding the fate of vastly different peoples together; and democratization became a third wave overflowing the political terra firma. This is not an exhaustive list of the narrative framing of the new post-Cold War order as an era of globalization.

Moreover, apologists of the new era of globalization often posited the triumph of liberal democracy, and the international diffusion of neoliberal economic policies and forms of governance (reduced government spending, privatization, unrestricted financial movements, global corporate division of labor, and weakening of regulatory mechanisms). The US had “won” the Cold War, so it was said, implying for many the end of fundamental political struggles. Liberal utopianism revived, both political – the universality of liberal democracy will reduce conflicts since democratic states don’t go to war with one another – and economic – healthy commercial and economic competition and interdependence will increase the costs of war and otherwise diffuse norms of peace in the international order. All states had to do was act rationally. A great deal of ink was spilled trying to figure out what that state rationality might be in the new context. Some analysts went as far as to argue that the end of the Cold War provided a unique opportunity to the US to “seize the unipolar moment” and aggressively assert itself on the international stage.¹

However, almost immediately fractures appeared, suggesting that at its end the Cold War was not being replaced by some neat, consistent, new world order: civil strife and ethnic cleansing erupted in the former Yugoslavia; the structural adjustment programs of managerial international organizations failed, and some semi-peripheral and poor states pushed back against neoliberal policy strictures; speculative crises in finance deepened inequality both within and among states; religious fundamentalism attained a global reach; holes in the ozone layer of the Earth’s atmosphere gave way to more general concerns that global warming threatened the viability of the planet; regionalism reasserted itself; new poles of politico-military power rose up; a new form of asymmetrical war took hold; vast numbers of people, displaced by war, climate change, political corruption, and failed neoliberal policies, sought survival and a better life through migration; and, not least, new political coalitions and activisms enabled by the Internet and digital communication promised a renewed era of populist democratic energy.
challenging neoliberal globalization. Again, this is not an exhaustive list of the fractures that appeared in the post-Cold War globalization frame.

This volume explores where we are now in the situatedness of conflict and cooperation. It seeks to take seriously the fluidity and unsettledness of sites of power and authority/legitimacy in global politics, especially: (1) the rise of multiple states as powerful actors; (2) the securitization of migration/displacement; and (3) transformations of authority, the growing legitimacy deficit, and the erosion of normative constraints in addressing world order challenges.

These are some of the developments out of which new rationalities of governance are emerging. Hence, this volume does not begin from some universal characterization of a new global configuration or era. Instead, it works from the ground up: from practices; technologies; patterns of authority; and flows of people, things, and ideas. The aim is not to predict the dawn of a new era, but to make intelligible some of the shifts and turns of politics in globally orientated spaces and the emerging axes of conflict, contestation, and cooperation.

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The volume is divided into three parts. The first addresses shifting geographies of power, especially in relation to challenges to a US-led liberal order. Have we seriously enough come to grips with the world at the end of the Cold War? In addition to the triumphalism asserted prematurely by some American pundits in the 1990s, many candidates have entered the running, perhaps most circulating around the general idea of a “liberal international order.” Many do concern the future of American power. There seems to be a consensus, both in the US and abroad, that during its four-year run the Trump administration seriously weakened the position of the US, accelerating trends already underway in the world toward multiple sites of power and a general disorder. This has created yet another cottage industry of texts on the future of American hegemony. The advent of the Biden administration has posed the question of the possibility of a revival of an international order centered on a rule-based liberalism and multilateral diplomacy. At least, this is President Biden’s expressed goal. Yet, to date, this commitment has been primarily verbal. In many issue areas, the current administration’s foreign policy is marked more by continuity with its predecessor than by change. The recent conflict in Ukraine may be changing this; at the time that this volume is going to press, the outcome and the long-term implications of this conflict situation are uncertain.

Moreover, other states are increasingly seeking influence in regional and world affairs that unsettle the metaphors normally used to make sense of and give some order to interstate relations. Hierarchies in state power relations remain important; yet, whether the current fluid conditions support older characterizations and framings – balance of power, Cold War, First/Second/Third Worlds, developed/developing, North/South, and so on – is not clear. Metaphors abound offering to frame the hierarchies and relations of states, thereby giving the states-system (the undisputed metaphor of the grand narrative of the Westphalian order in international relations with a changing meaning over time) the appearance of stability and the impression of endurance over a period of time, and thereby influencing behavior. To characterize the hierarchies as fluid or, using Zigmunt Bauman’s term, “liquid” is both to question this stability and endurance, and to highlight how relations tend to dissolve, becoming hard to gain clear perspective. Taking this to heart, and without seeking some new distillation out of the flux of the present, the chapters in Part I examine specific changes, specific dissolutions
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of hierarchies, and possible new configurations and powers that might precipitate from the rapidly changing waters.

International relations have been premised on state isomorphism that, despite their differences, common structures and institutions are more important. A further assumption is that world order somehow derives from the interaction of similar states. From modernization theories to balance of power and world systems theory, isomorphism of states has been a common assumption. We could describe this as a quantitative way of thinking in which the differing qualities of states give way to, and are subsumed by, quantitative factors that could be measured (power resources), and relative positions in a system of states could be calculated and some balance or equilibrium could be achieved through proper, rational action. More subjective factors such as reputation and “soft power” have been influential in shaping the relevant debates in the literature, but the positivist legacy in the field of international relations has persisted. Many constructivist approaches to international relations, especially those influenced by the work of John Ruggie and Alexander Wendt, still imbibe this assumption. One implication of Bauman’s metaphor is to challenge this way of thinking about globalization.

Note, for example, communications. Benedict Anderson most famously described how the formation of the nation-state depended on national media. Even casual glances at the media landscape of the twentieth century – radio, film, television news and entertainment – would recognize how nationally organized media reinforced state power. With the advent of the Internet and social media, as well as the globalization of entertainment, the important thing is that the rules regulating these technologies are not centered in states, even if states are scrambling to control information flows and otherwise influence the algorithms that define Internet sites and social media. It has become increasingly difficult for states to organize the hierarchies and power of information, though the governments of some states have been successful (at least temporarily) in controlling the flow of information through social media platforms.

In a world in which “major powers” could as easily refer to transnational corporations or virtual entities, such as social media, what is at stake for states seeking international influence, recognition, and power is changing. States remain powerful agencies, and interstate relations remain crucial to the lives of nearly all on the planet, either directly or indirectly. States also remain pre-eminent actors, but now in a world in which power no longer revolves exclusively around them. They do not stand outside of power and use it as a resource, but increasingly insert themselves into networks of power organized transversally. What does this mean for interstate relations, for what has been termed the “states-system?”

The chapters in Part I look at this question through particular entry points. Stefano Bianchini challenges the discourse of the new Cold War, arguing that it distorts the aspirations of major powers, especially Russia and China. The chapter focuses on some international fractures that are characterizing the present post-Cold War disorder. In particular, the Russian strategy to achieve recognition at regional and global levels is challenging US primacy and the West’s position as the center of gravity. In these circumstances, the Kremlin is exhibiting a newly found dynamism in a number of geopolitical arenas: by promoting, for example, the Eurasian Economic Union, and the Brazil, Russia, India, China and South Africa (BRICS) cooperation; by exercising an important influence in the Middle East and the Balkans; and by endorsing conservative values worldwide. This is not, however, a new Cold War, because the ideological confrontation is playing a secondary, if not marginal, role. Nevertheless, Russian activism is looking for a reconfiguration of moral, political, and economic geographies at the international...
level in order to contain the spread of liberal democracy, one of the key features of the liberal international order. Therefore, this chapter analyzes the simultaneous Euro-Asian policy of the Kremlin and the directions that it seems to reflect versus the Western growing insecurity and decline, in order to understand some crucial dynamics that might affect the existing distribution of power.

Massimiliano Trentin reviews Russia’s and China’s engagement with the Middle East and North Africa (MENA) since the 1990s. In the early post-Cold War context, Russia and China have different footholds and postures in the MENA region because of resource endowment, domestic development, and foreign policy trajectories. However, during the 2000s the intertwining of rising investments in the region and the perception of Western failures, or outright hostility, led Moscow and Beijing to foster reciprocal cooperation in supporting the stability of the existing regimes along the principles of sovereignty and legitimacy, whatever their foundations and features. This cooperation accelerated after the Arab Uprising of 2011, and was welcomed by local elites in their struggle to survive social upheavals and political crisis across the region, as well as against the uncertainties in Western policies towards MENA. Russia’s and China’s economic and diplomatic engagement with the region is critically examined in order to assess the factors of convergence and divergence in their reciprocal postures in the region, not least in comparison with the policies adopted by the US and the European Union since the 1990s.

Shifting attention to another rising power, India, Kavita R. Khory assesses prospects for India in the more fluid geopolitics of the current era. India’s pursuit of major power status in global politics is a familiar refrain among scholars of Indian foreign policy and policy makers. Yet it is not always clear what factors are driving India’s aspirations, its interests, and objectives, or even what it means to be a major power in the current international system where traditional and emerging powers, such as China and India, are vying for influence, legitimacy, and authority. This chapter examines India’s status claims, paying particular attention to Indian soft- and hard-power resources and capabilities and the domestic, regional and systemic constraints on Indian ambition to project power and influence beyond the south Asian region. To what extent is India willing to shoulder responsibilities and obligations at a level commensurate with its desire for a leadership role in global governance and institutions? Can the recent turn to a more authoritarian religious nationalism succeed in elevating its status and prestige in international politics without necessarily threatening established and rising powers? What are the likely scenarios and implications for international order if India’s ambitions to be a major power are thwarted?

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Part II of this volume addresses territoriality and population flows. All the chapters are attentive to the challenges to territoriality and sovereignty and the different responses of states to the ways increasing numbers of refugees and labor migration are redefining borders and the sites of political intervention in population flows. While focusing on regions, the chapters chart implications of population flows that are global in scope.

Flows of refugees and people seeking a better life in distant lands are not new. Modernity has been structured by its population movements. Capitalism’s expansions – from those stemming from enclosure movements that fed early capitalist manufacturing, to Western adventurism and colonialism, to integrated trade networks associated with slavery, wealth extraction
and manufacturing, to mass industrialization with its dependence on oil and other natural resources, to financial globalization – have all generated various and substantial cross-border population flows, diplomatic, cosmopolitan, and proletarian. War, especially with the rise of mass armies and mechanization, has been another generator of large numbers of refugees, as have been the violence and displacements (including multiple forms of ethnic cleansing) attending the creation of nation-states and the establishment of boundaries between them. That we are now in another period of substantial population movements is clear, as are its multiple generators – poverty, war, climate change, political persecution, and political instability. With the possible exception of climate change, these are not new. As refugees have proved to be resilient against difficult if not impossible odds, forced by ever more untenable conditions in their homelands, they continue to migrate, putting increasing pressure on states. In response, states have deployed more intrusive forms of surveillance and adopted harsher measures of control, offshoring asylum seekers, for example, in order to limit their legal appeals in domestic courts, as witnessed in the US and Australia, among others. One of the most interesting developments in the current era is the tension between patterns of displacement owing to the above-mentioned generators and the erection of increasingly elaborate and sophisticated barriers to entry, manifested in the globalization of remote control. These state policies and practices, in addition to constituting violations of fundamental rules and norms relating to refugee protection, are having significant effects, together with other factors, that are changing the ways states think about and construct their borders.

Borders are sites at which states assert their authority. While territory conjures images of landscapes and physical borders, in the modern state it has also meant in practice the authorization of particular forms of power, especially surveillance, war, and policing. Borders understood as territory have been one of the areas in which policing and the military have tended to blur. Territory in the modern state refers to borders to be secured, and a homeland to be protected; therefore, it authorizes the use of power. Migration, whether stemming from distant wars or the effects of international divisions of labor, has authorized institutions and techniques of surveillance and control seeking to manage the porosity of state borders that has been an indelible part of the modern capitalist world from its beginnings. Globalization is a continuation and reworking of effects wrought as the technologies of commerce, manufacturing, industrial organization, travel, and war have changed and conditioned the lives of states and nations.

Cross-border population movements do not only raise questions of geographical and physical borders and limits; they also raise questions of membership, and thereby authorize control over the status of human beings vis-à-vis particular states. Territoriality has been bound up with state sovereignty, both the claims of internal authority and the external recognition of authority by other states. Therefore, the idea of territoriality is inseparable from the normalization of limits, both of the physical borders of a state and of membership in a particular society and polity. Society and polity, in this instance, remain distinct: migrants may be authorized to enter and become part of a society, occupying distinct positions and roles, without being admitted to membership in the polity. The twenty-first century world is witnessing reconfigurations of both the authority to police and secure borders, and the authority to determine membership.

The chapters in Part II focus on the effects of current population flows, using case studies from Eastern Asia and Europe. What is evident is what we can term the “securitization” of re-
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Gabriele Vogt examines health-care sector labor migration in Eastern Asia, highlighting the interrelation of substate, state level, and international factors to chart how borders are being problematized in Japan and East Asia. Japan, a country of economic wealth and political stability but with a rapidly aging population, could be expected to be one of the main destination countries of regional and global migration flows. However, Japan’s migrant population stands at a mere 1.6 percent of the overall population, and the number of non-Japanese who are active in the domestic workforce amounts to only 1 million. This chapter asks why Japan does not experience more international migration and, in particular, international labor migration that might benefit its economy and the health of its population.

A case study of migration management in Japan’s health-care professions – a sector suffering from severe labor shortages – sheds light on processes of national-level policy making as well as subnational-level policy implementation in respect of international labor migration to Japan. In spite of corresponding treaties with the Philippines, Indonesia, and Vietnam that might open up coherent and beneficial patterns of labor migration, Japan has mobilized procedural and structural factors to deliberately institutionalize borders to labor migration bound for Japan. Procedural factors include the political stalemate which has emerged as a consequence of widely conflicting interests among national-level policy makers as regards international labor migration to Japan. These conflicting lines, in the political system of Japan, become apparent in particular between ministries rather than as dividing lines between political parties. Among the structural factors are ongoing attempts to decentralize within the Japanese nation-state, which to a large degree are limited to administrative decentralization and lack approaches to fiscal decentralization. Japanese municipalities find themselves overwhelmed with the task of integrating foreigners, and thus largely rely on civil-society actors in policy implementation – with varying degrees of success. Despite numerous economic pressures, a political and societal consensus to accept large-scale labor migration to the country is lacking, and the institutionalization of borders to labor migration has proceeded steadily. However, recent single initiatives stemming from the business sector seem to creatively bypass these borders and might challenge Japan’s reluctant migration policy in the future.

Eastern Asia is not the only region dealing with the transformative effects of migration. Tina Mavrikos-Adamou’s chapter is a case study of migration in the Eastern Mediterranean basin, especially Italy and the Greek islands, informed by recent developments in international relations theory. It argues that combining realist, liberal institutionalist, and constructivist theories enables a more nuanced interpretation of the diverging European stances on migration. The aim of this chapter is to account for the variations in European national stances towards migration, helping to put into better perspective the challenges facing receiving countries in hosting irregular migrants. In keeping with one of the subthemes of the volume, the chapter similarly addresses the securitization of migration and the ways that migration requires a reconfiguration of space and sovereign borders. Those countries that have been on the front line of receiving irregular migrants in the eastern Mediterranean Sea, specifically Italy and Greece, have been responsible for processing and documenting an overwhelming number of asylum seekers and migrants attempting to enter Europe. While migrants themselves have to an extent become the agents controlling “space” by transgressing sovereign borders as they dare to enter Mediterranean waters, states continue to try to control rules of entry on their maritime borders.

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Under extraordinary circumstances, irregular migrants are moving across transnational spaces and through their actions they illuminate the permeability of borders. The dynamic struggle over the space of the border generates logistical obstacles, inherent contradictions, and realities facing receiving countries hosting irregular migrants in the Mediterranean.

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The issues arising around migration and the deployment of more expansive conceptions of the border of the state, reveal challenges to the received understanding of state territoriality, not least of which is the growing disjuncture of state and society. Similarly, issues around human rights reveal challenges to authority in relation to state boundaries, both legal and political. While, in the 1950s, Hannah Arendt argued that human rights had little meaning unless enforced by states, a human rights regime has emerged in which the failures of states to do so is being challenged by a new culture of global social movements, a wider acceptance of legal and ethical norms promoting human rights in and against states, and by globally institutionalized courts and legal institutions. Challenges to the claims of sovereignty that it is necessary and the only foundation on which rights can be protected has been challenged both by the failure of most, if not all, states to do so, by the racism and colonial and imperialist interventions stemming from capitalism and nationalism, and by the re-territorialization of important social and political forces and movements pressing human rights claims. Pressures to create and strengthen a global regime of rights thereby puts pressure also on the concepts of authority, norms, and the rule of law. Modernity was based on a particular assemblage of these latter that is shifting in the current global condition, as Saskia Sassen has cogently argued. Also, political theorists increasingly have recognized the need to rethink the concepts of normative political theory, especially justice, representation, democracy, and legitimacy.

Part III addresses issues of authority, law, and legitimacy. A key parameter of this examination involves a critical reassessment of the boundaries between permissible and non-permissible responses to governance challenges, and the concomitant erosion of basic restraining norms (principle of legality in legislation, prohibition of torture, and due process rules, among others). While the current phase of globalization has not displaced sovereign forms of authority, law, and legitimacy, this dynamic context in which the spatial contradictions of Western modernity are becoming more pronounced has exposed the limits inherent in the contradictory world in which territorial states are imbricated with global movements of ideas, things, capital, and people. Attempts to govern the current world are transforming the mutual constitution of the inside and outside of territorial states, in the process challenging the fundamental concepts of authority, rights, political legitimacy, and law. In the 1970s, the language of global governance had already begun to transform the field of international relations to take into account non-state actors. This was just one sign of recognition that governing the late modern world involves new techniques of political power that are rewriting the relations of the inside and outside of political community. The art of governing has become in large part a global affair.

From its inception, modernity involved a normative order that transcended nation-states at the same time as it affirmed territorial state sovereignty. This is implied in the dual, Janus-faced concept of sovereignty as the monopoly of authority and law within the territorial boundaries of the state, and the recognition of that independence by other states. In practice, recognition came to be embodied in norms and rules codified in international law (private and
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The modern normative order – what the English school following Martin Wight and Hedley Bull termed “international society” – involved rules for the use of force and war as well as norms of cooperation that emerged in practices of diplomacy. As the contradictions and aporias of that normative order became increasingly exposed in the late twentieth century, the mainstream discipline of international relations doubled-down on a dichotomous reading of the distinction between the inside and outside of state sovereignty, desperately trying to salvage the image of the state as able to rein in the forces and effects of transversal power – recessionary pressures stemming from the globalization of the industrial division of labor, inequalities attending the globalization of financial capital, claims of cultural recognition stemming from decolonization, the unravelling of interventionist foreign policies and adventures by major states, opportunities for multicultural interactions stemming from cheaper travel and new forms of virtual communication, the emboldening of global public opinion questioning the willingness and ability of existing states to protect the rights and secure justice for their own people, and disturbances in the natural environment.

Few would claim that a new normative order in which states do not play a significant role is emerging in any clear and sustained way. Yet, few would still claim that a solely international society is sufficient to tackle the problematics that modernity is leaving in its wake. A number of terms have become current, some vaguer than others, to conjure images of a new global normative order, from the neoliberal imaginary of a flat world (essentially a normative order managed by technocratic elites accepting the inevitability of neoliberal globalization) to cosmopolitan democracy based on increasingly salient global institutions generated and sustained by an intensified consciousness of human rights and democratic norms, and to a new empire in which sovereignty is becoming decentered in international institutions and norms and is confronted by the increasing political agency of a democratic multitude. The Biden administration seems to be promoting at the discursive level a global normative order sustained by multilateral diplomacy to be led by a coalition of democratic states. In keeping with the method behind this volume, the chapters in Part III do not debate these alternative models or imaginaries. Instead, they probe specific lacunas and dilemmas in the relations of power, authority, law, rights, and legitimacy.

An important ideological goal of liberalism is the protection of individual rights and freedoms from unwarranted government intervention. The nineteenth-century invocation of a distinction between the state and a realm in which individuals could pursue their interests and flourish in their freedom without the interference of government, dovetailed with the authoritativeness of the sovereign state, as long as the sovereign authority was constitutionally bound and respected the rule of law. Whether in Hegel’s categorical distinction between civil society and the state, de Tocqueville’s idea of a democratic spirit emerging from a civic culture of individual interests and civic pride that set somewhat fluid boundaries to the relation of society and state, or John Stuart Mill’s focus on protecting individual autonomy and agency, thereby limiting state power, an alliance was struck early in the nineteenth century between liberal principles of rights and a private sphere of autonomous individuals that has persisted. Early twentieth-century thinkers, such as, in their different ways, Max Weber and Carl Schmitt, recognized the conceptual alliance of individual and state as being difficult and contradictory. This alliance informed the normative order of international society in several ways, notably in
the nineteenth century legitimating colonialism and liberal imperialism as well as in the distinction between public and private international law. Globalization has put further strain on the alliance and intensified its contradictions. The three chapters in this part examine different elements of this increasing tension in the modern alliance of state and individual rights in the liberal international order’s conceptions of law, rights, and legitimacy.

Throughout the modern period, the framing of discourses of legitimacy, rights, and authority within the sphere of the sovereign state has shielded their global constitution from serious interrogation. However, with the organization of a global civil society, human rights law, the increasing global power of capitalist corporations, global regulation that constitutes hybrid public and private authorities, and the increasing scrutiny on the legitimacy of institutions and practices of global governance, a whole range of modern political practices have been problematized, from representation to the relation of laws and norms, to citizen–state relations. In this process, the concept of legitimacy, as a key component in the distinction between power and authority, has distanced itself from its long-standing conflation with legality, both domestically and internationally.

What distinguishes legitimacy from other modes of social control is that it is anchored in oughtness. Legitimacy refers to “a normative belief by an actor that a rule or an institution ought to be obeyed.” Some analysts distinguish between a normative and a sociological meaning of the term. Normatively, legitimacy asserts that an institution or authority structure “has the right to rule,” while sociologically it asserts that the institution or authority structure in question is “widely believed to have the right to rule.” For our purposes, the focus is on the normative dimension, though the two are evidently interrelated.

Several developments have contributed to the renewed attention to the role of legitimacy in global governance practices. First, the discourse on humanitarian intervention that underscored several interventions in the developing world during the 1990s, culminating in the North Atlantic Treaty Organization (NATO) air campaign against Serbia and intervention in Kosovo, starkly counterposed the legal restrictions on the use of force stipulated in the United Nations (UN) Charter to the legitimacy of using force in response to gross human rights violations. Addressing this tension, then UN Secretary-General Kofi Annan noted that “The inability of the international community in the case of Kosovo to reconcile these two equally compelling interests – universal legitimacy and effectiveness in defence of human rights – can only be viewed as a tragedy.”

The second is related to the widespread acceptance of human rights as standards of legitimacy. The centrality of human rights in addressing issues of good governance, rule of law and inclusive social orders has led some analysts to claim that “human rights have attained the status of a lingua franca of global moral discourse.” Particularly worth noting in this context are the intersections of human rights with the other two pillars of the UN system: peace and security, and sustainable development. One of the key manifestations of this trend has been the institutional focus on mainstreaming human rights in the other pillars. For example, one of the main priorities of the United Nations Sustainable Development Group (UNSDG – formerly the United Nations Development Group, UNDG) has been the ongoing effort to integrate human rights into development work. The rising profile of human rights has also brought greatly needed attention to non-state actors and their role as promoters, as well as to violators of human rights norms and standards.
The third relates to the post-Cold War trend of advancing accountability as a key feature of global politics. Accountability is a relational concept: it presupposes a relationship between a power holder and an entity that is supposed to ensure that the power holder is responsible for its conduct. In this relationship, both parties recognize “the legitimacy of (1) the operative standards for accountability and (2) the authority of the parties to the relationship (one to exercise particular powers and the other to hold them to account).” The accountability wave, manifested through the dynamic interplay of international and domestic justice initiatives, has been one of the defining characteristics of this era.

The list is by no means exhaustive. Yet, interventions for ostensibly humanitarian purposes, the mainstreaming of human rights, and the quest for accountability have played a key role in demarcating the terrain in which the pursuit of humane governance has to confront the ambiguities and contradictions of the liberal international order. The emphasis on norms, rules, and legitimacy has raised expectations of rule-based conduct and inclusive social orders and, in the process, has exposed the protection gaps and the “silences” in the framing of narratives of good governance.

Linda Cornett, Jennifer Barnes, and Mark Gibney argue that human rights law needs to extend beyond state violations and to address non-state violence in civil society. They argue that the distinction between public and private in modern political thought has sanctioned violations of human rights by private actors by making violence and rights abuses invisible to international law. Measures of physical integrity rights violations typically focus on abuses by state actors. However, non-state actors also represent a significant, and in most cases more severe, threat to personal security. This chapter focuses on the Societal Violence Scale which uses the US State Department Human Rights reports as a basis for developing a new scale of physical integrity rights abuses by non-state actors, with the goal of gaining a more comprehensive, but disaggregated, picture of human security threats across the globe.

George Andreopoulos analyses and assesses the key challenges facing efforts to subject the United Nations Security Council (UNSC) to the rule of law. The UNSC is a product of international law since it was created by the UN Charter; it is also the author (through its case law) and interpreter of the law. Ensuring that the choices and actions of the UNSC are framed in accordance with international law would necessitate a critical examination of the UNSC as a legislative and judicial actor, and an exploration of its complex relations with individual rights. The UNSC’s involvement in counterterrorism offers an instructive test case in light of the continuing legal challenges confronting the different UNSC-established sanctions regimes. Drawing from international relations and international law theoretical approaches on issues of authority and legitimacy, the chapter explores the emergence of coalitions of the willing lawmaking (CoTWL), a new form of hegemonic international law (HIL), and its effect on advancing good governance norms at the international level.

Stephen J. Rosow addresses the mutating relationship between state and subject and its effect on the construction of citizenship. This chapter is about how neoliberal forms of warfare, prosecuted in defense of a post-Cold War liberal international order, generate illiberal politics on several fronts. Neoliberalism promotes high-technology, risk-transfer warfare that comports with its ideology of privatization, its thin sense of public life, and its demands for the self-regulation of the subject. While seeking to rationalize and unify a new liberal international order in the post-Cold War world, the neoliberal mode of warfare confronts a plethora of challenges. It testifies to the unpredictable, multiple fractures emerging against the liberal
mantra of a unified global order, or the striated spatiality of the conservative vision of a clash of civilizations, which often work together to characterize the post-Cold War world. After detailing the neoliberal mode of war, the chapter examines the political consequences for the illiberal forms of citizenship it promotes within neoliberal states, and for the exclusions from the liberal international order it promotes both for the targets of risk-transfer war and for the illiberal governance of displaced persons.

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More than 30 years after the end of the Cold War no patterns stable enough to be representative of a coherent world order have emerged. In this unsettled and ever shifting global space, norms and rules are constantly being challenged, and new technologies are shifting the scope and uses of power and authority While expectations of legitimacy in governance structures and processes at all levels (national, subnational, transnational, and supranational) have become more pronounced, they have also exposed the limitations in the transformative potential of the liberal order.

NOTES

3. In his remarks at the 2021 Virtual Munich Security Conference, Biden noted: The United States must renew America’s enduring advantages so that we can meet today’s challenges from a position of strength. That means … reclaiming our place in international institutions; lifting up our values at home, and speaking out to defend them around the world; … revitalizing America’s network of alliances and partnerships that have made the world safer for all people (“Remarks by President Biden at the 2021 Virtual Munich Security Conference,” 19 February 2021, accessed 28 August 2021 at https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/02/19/remarks-by-president-biden-at-the-2021-virtual-munich-security-conference/).
5. Having said that, it is important to remember that reputation has both instrumentalist and normative dimensions; see Robert Keohane, “International relations and international law: two optics,” Harvard International Law Journal, 38 (2), 1997, 487–502.
9. Stefano Bianchini’s chapter was written before the Russian invasion of Ukraine. How this conflict will affect longer-term Russian policy and Russia’s relations with Europe is far from certain.
11. This was not always the meaning of “territory.” For a genealogy see Stuart Elden, *The Birth of Territory*, Chicago, IL: Chicago University Press, 2013.

12. While the chapters here address Europe and Japan, scholarship has shown how the US also has been redefining its border beyond its physical borders. See, for example, Todd Miller, *Empire of Borders: The Expansion of the U.S. Border around the World*, London and New York: Verso, 2019; and FitzGerald, *Refuge beyond Reach*.


22. See, among others, the *American Journal of International Law* Agora on NATO’s Kosovo Intervention, 93 (4), 1999, accessed 2 September 2021 at https://www.cambridge.org/core/journals/american-journal-of-international-law(issue/6E1B88683CBF5FF7BB901EC2441CA652.


25. The above-mentioned discourse on humanitarian intervention is also a good example of such an intersection.


29. A good example of such an interplay is the case of Augusto Pinochet.