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STATES AND RULES, NORMS AND INTERESTS

Project on:
Globalization and the
National Security State

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States and Rules, Norms and Interests

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Abstract

The conventional separation in IR theory between instrumental behavior and legitimated norms as explanations for state action has discouraged the study of phenomena that include both. As a result important practices including hypocrisy, norm violation, and the strategic reinterpretation of rules and laws are under-examined. The source of the problem is the idea of 'internalization' of external rules and norms, which has come to define the distinction between rationalism and constructivism in IR, and between the logics of appropriateness and of consequences. I argue that internalization is problematic for empirical research in IR because it eliminates the possibility of strategic thinking by states in relation to international norms and rules. It leaves no room for instrumentalism around norms and so cannot account for norm violation, the strategic manipulation of norms, and the productive process of norm innovation. This is a problem equally for rationalism and constructivism. I argue for an alternative model that focuses on the practice of invoking international norms and rules and show that this approach allows new insight into the agent-structure problem, the relation between states and rules in world politics, and the relation between rationalism and constructivism.

States and Rules, Norms and Interests

It is common in International Relations to consider state behavior as motivated by either legitimated rules or instrumental calculation. These two are suggested as competing possibilities for understanding and explaining international outcomes. The pairing is evident wherever scholars separate ‘appropriateness’ from ‘consequences,’ or interests from norms, and it appears in many characterizations of the difference between constructivism and rationalism.¹ The distinction identifies cost-benefit calculations as a different category of motivation from the belief in the authority of a rule and the difference between the two is often said to be so fundamental that they provide competing accounts of the essence of international relations: in other words, that constructivists study the cultural and ideational forces that produce legitimated rules while rationalists study incentives and cost-benefit utilitarianism.²

This separation and its effects are the subjects of this article. I argue that in adopting this distinction, IR theory has taken a wrong turn which leads to a dead-end for both empirical research and conceptual framing. There are many important empirical patterns that cannot be well-studied by adhering to this distinction. These include the strategic construction of and interpretation of international norms, the practice of justifying state decisions under international rules, and the problem of hypocrisy. The ease with which states mix strategic considerations and social norms and conventions in the practice of foreign policy suggests that the two are not distinct domains. Their conceptual separation in most IR theory is an obstacle rather than a help to empirical research. Instead, states appear eager to use international rules, even those in which they apparently believe deeply, for instrumental gain.

¹ For instance March and Olsen 1998, Arend 1999 Ch. 4, Abbott and Snidal 2000.

² Ruggie 1998.

For instance, all states appear to have abandoned the idea of war for aggressive purposes and the use of force today is inevitably accompanied by references to the norm of self-defense or of humanitarian intervention. Making reference to these norms, even when transparently self-serving, is evidently in the interests of the state, but by using norms strategically the state straddles the academic divide between the logics of consequences and of appropriateness in ways contemporary IR theory has difficulty conceptualizing.

The conceptual problems with this distinction are evident when IR theory turns its attention to understanding three big problems in IR: states' attitudes toward compliance and non-compliance with rules and norms, the agent-structure question, and the relation between rationalism and constructivism. By equating rationalism with the pursuit of interests and by defining interests and cost-benefit calculations in contrast to constructivism, standard IR theory suggests that constructivism ends where instrumentalism begins; the constructivist state is presented as pursuing appropriateness rather than interests or goals. States in constructivism are thus modeled as rule followers by socialization and not as calculators of interests and incentives. This leads to an intractable version of the agent-structure problem in which i) constructivism presents itself as a theory of how international structures constitute states and their interests and ii) rationalism is a theory of how state agents navigate an incentive-filled structural environment. The former gives an exclusively structural view of the relationship between states and rules and the latter an exclusively agentic view. Neither provides tools for understanding how states violate, interpret, and remake international rules. Rather than transcending the agent-structure problem as Wendt advocated in 1987,³ constructivism has largely reinforced it by becoming the structural complement to rationalism's agenticism.

³ Wendt 1987.

This paper examines these conceptual problems and argues that the conventional division between norms and interests, and between rationalism and constructivism, is mistaken. The heart of the problem is the shared commitment by both schools to the mechanisms of internalization and socialization to explain both how state interests are constituted and how constructivism and rationalism are distinguished. I argue that the assumption of internalization is problematic as a foundation for empirical research in IR because it eliminates the possibility of strategic thinking by states in relation to international norms and rules. This is a problem equally for rationalism and constructivism. It leaves no room for instrumentalism around norms and so cannot account for norm violation, the strategic manipulation of norms, and the productive process of norm innovation. All of these are pervasive and important in world politics. The division of labor between rationalism and constructivism places these phenomena outside the realm of explanation by either approach.

These concerns form a set of three nested problems which forms the core of this paper. I first examine the conceptual separation between norms and interests that is commonly assumed in International Relations. The conventional distinction between the logic of appropriateness and the logic of consequences that follows from this separation leads directly to the second problem, on the relationship between agent and structure in IR theory. The third problem, manifest in the division of labor that has developed between rationalism and constructivism, follows from the first two. As shown in Figure 1, these three are different manifestations of a single underlying division in IR theory between states and rules. The dichotomy between states and rules can be restated as interests versus norms, or rationalism versus constructivism, or consequences versus appropriateness, or agents versus structures (Fig. 1).

The Overlapping Dichotomies of IR Theory

States	-	Rules
Agents	-	Structures
Interests	-	Norms
Rationalism	-	Constructivism
Consequences	-	Appropriateness

States and Rules, Norms and Interests, fig. 1

Rather than see internalization as the device by which norms influence state decisions, this article argues that we instead take the practice of invoking international rules as the operative mechanism that connects states and rules. This approach allows us to study aspects of state behavior that are neither solely strategic (in the sense of being instrumental about rules and norms) nor solely normative (in the sense of having norms internalized into interests). This is a class of behavior which, I argue, comprises the bulk of international relations. It combines the strategic concern about maximizing interests with a recognition of the normative power of legitimized rules, and allows that the constructivist state can be intentionalist and strategic as well as socially constructed.⁴ It focuses on the ways that states use rules, without taking the view that this use implies that rules are subordinate to state interests. I examine this below in the context of the international rules on humanitarian intervention. This combination of normative and strategic forces is both prevalent in world

⁴ By 'intentionalist' I mean that they "act in a purposive fashion on the basis of desires and beliefs about the world" (Wendt 1999, 172, also Wendt 2004), and by 'strategic' I mean their decisions are based on calculations of costs and benefits, including when considering whether to follow rules and norms.

politics and distinct from standard models of either legitimacy or strategic thought. In conclusion, I examine the implications for IR theory, including novel approaches to the agent-structure problem, the relation between rationalism and constructivism, and the relation between states and rules in world politics.

Two Illustrations

The empirical importance of these conceptual questions can be seen in what they contribute to two long-standing puzzles in world politics, which I sketch briefly next. These two show how a focus on either the constitutive force of structural norms or the consequentialist calculations of strategic actors fails to grasp important aspects of common international behavior.

Among international lawyers, there is a long-running debate on how to interpret state behavior toward Article 2(4) of the UN Charter. This is the rule that forbids the use of force by states as a means to settle their disputes. In 1970, Thomas Franck argued that states had so “violated it, ignored it, run roughshod over it, and explained it away” that no one could seriously claim that it was an operative rule of international law.⁵ He concluded that “Article 2(4) mocks us from its grave.”⁶ Louis Henkin in response suggested the opposite – that the rule had in fact succeeded in establishing a norm that made obsolete “the notion that states are as free to indulge in [war] as ever.”⁷ While it has not been perfectly honored, he said, the rule against aggressive war had nonetheless become the “principal norm of international law of our time.”⁸ Both Franck and Henkin note the ubiquitous use by states of the language of Article 2(4) to justify their uses of force, but the different interpretation each gives to that use

⁵ Franck 1970, 810. Franck returned to the subject in 2003 and found even stronger reasons to declare Article 2(4) dead. Franck 2003. Also, Glennon 2003.

⁶ Franck 1970, 809.

⁷ Henkin 1971, 545.

⁸ Henkin 1971, 544.

illustrates what's missing from how the field of IR approaches the relation between states and rules: Franck saw these justifications as self-serving and therefore as further evidence of the weakness of the rule; Henkin saw them as evidence of the rule's fundamental status in interstate relations and evidence of its internalization by states. How, if at all, can we reconcile these views? Is Article 2(4) well-respected by states or thoroughly compromised? These two positions have been treated by scholars as opposite and irreconcilable. Franck and Henkin construct a debate in which we must choose between seeing Article 2(4) as a legitimated rule that structures world politics or as a tool used by manipulative states to pursue their self-interests. Foreshadowing March and Olsen's logics of 'appropriateness' and of 'consequences,' Franck and Henkin share a commitment to seeing these two as mutually exclusive. In doing so, however, they avoid addressing what lies behind the strategic utility of invoking a rule to justify state behavior. The reasons for, and effects of, the instrumental use of the norm cannot be addressed by the approach Henkin and Franck share that keeps instrumentalism separate from norm-following. I suggest below that a better answer is that Article 2(4) is a useful instrumental tool because it is a legitimated rule, and I argue for a model of international relations that makes this sensible.

A similar conceptual tangle appears in academic debates over the US effort to redefine the rules on preemptive war in 2002 and 2003. This is one case of the broader category of the attempt to change international norms. Many critics complained of a radical revisionist attack on international rules when the US, in its National Security Strategy in 2002, claimed the right to act against anticipated, perceived threats with unilateral force.⁹ The US, in its defense, argued that it was acting consistently with the historical practice of preemptive war in customary law by situating its new interpretation within the long history and practice of international customary law. The US presented itself as acting within existing international

⁹ For instance, Arend 2003. *National Security Strategy* 2002.

law and as interested in strengthening the rule of law among states. Many observers disagreed with the former claim and doubted the sincerity of the latter, and scholars have since then picked up a lively debate over whether the US was complying with the rules or undermining them.¹⁰ Those who code the US as not complying conclude that its effect was to erode either the rules themselves or the rule of law generally.¹¹ Those who code it as complying suggest that the US reinforced the rules and its own identity as a rule-following state.¹² Compliance and non-compliance have been treated in this debate as mutually exclusive opposites, with compliance leading to stronger international rules and non-compliance undermining them. The ambiguities that arise in interpreting either the rules on preemption or the intentions and meaning of the American actions have been seen as in principle reducible through clearer definitions and a closer look at the evidence, so that in the end one might know conclusively whether this is a case of compliance or of non-compliance. I argue in this paper that the American claims to rule-following are significant in the life-cycle of the preemption norms regardless of one's view on whether it was complying with them or not. The key is to take an approach that focuses on how states use rules in practice in order to see how rules are remade as they are invoked by states.

I advance toward this argument in the following sections by examining how states and rules are studied in IR at three levels of analysis: i) at the unit level, as shown in the contrast between norms and interest, ii) at the structural level, in the contrast between agents and structures, and iii) at the paradigm level, in the contrast between rationalism and constructivism.

¹⁰ See for instance Armstrong, Farrell, and Maignushca eds. 2005, Hurd 2007.

¹¹ Sands 2005.

¹² Taft and Buchwald 2003.

I. Norms and Interests

The growing literature on compliance in international law illustrates the two main approaches to the relationship between norms and interests in International Relations today. To the question “why do states comply with treaties?” we are generally offered two answers: either the treaty coincides with the states’ interests or states have internalized norms that suggest that they should comply even when the obligation runs counter to their interests. The first is said to rest on interests and the second on norms or socialization or internalization. Even where there is disagreement about which explanation makes sense, there is general agreement among scholars that these are the two alternative answers. I explain this consensus next and then show that it is inconsistent with actual state behavior.

This distinction between norm-following and interest-following is pervasive in international relations scholarship. It is present, for example, in Jeffrey Checkel’s account of international socialization, in which “instrumental calculation has now been replaced by ‘taken-for-grantedness;’ it is present in Anthony Arend’s contrast between “normative considerations” in international law and the “pursuit of power”; and it is in Ian Johnstone’s explanation that compliance with law driven by either “a felt sense of obligation to comply” or the “longer-term interest to preserve a reputation for... compliance.”¹³ It is common for scholars to set up the two as competing explanations for acts of compliance by states and then to organize their empirical research to identify whether states are motivated by a belief in the rules (or in rule-following in general) or by a desire to pursue their interests. These are generally identified as constructivism and rationalism. For example, Jeffrey Lewis sets up his research on the European Union around the question of “which image – rationalist or constructivist – more accurately accounts for the behavior of national officials.”¹⁴ He wants

¹³ Checkel 2005, 804; Arend 1999, 116; Johnstone 2008, ms.5.

¹⁴ Lewis 2003, 99.

to know whether interests or norms explain how leaders make decisions, and his method is to look for evidence of “preset and given national interests and identities” and of “instrumental rationality” to set against evidence of “‘thick’ socializing effects on actors that go beyond instrumental adaptation and the strategic conception of rules to include the internalization of norms and rules into self-interest calculation.”¹⁵ Judith Kelley adopts a similar method based on similar background assumptions. She considers states’ decisions to resist American pressure around the International Criminal Court by first identifying a “specific self-interest” in many states to cooperate “with the United States by signing nonsurrender agreements” and then finding that some states refused “on moral and normative grounds.”¹⁶ She sets up an opposition between cost-benefit calculation involved in siding with or against the US versus the norms of human rights or *pacta sunt servanda*, and she finds that indeed sometimes states choose to act against their interests in order to act in accordance with “the principle of keeping commitments.”¹⁷ Stephen Brooks and William Wohlforth distinguish two models of the world, one where international order rests on “self-interested cost-benefit calculations” by states and one in which “states do not necessarily maximize their current material interests when acting according to the precepts of an accepted order.”¹⁸

The conceptual separation that these authors assume between norms and interests is unsustainable and it eventually undermines the paradigmatic distinctions they draw between rationalism and constructivism. The problem lies with the idea of internalization, which is the mechanism underlying how these authors and others model the impact of ‘ideas’ on decision-making. Internalization explains how state interests are reshaped by external social rules and norms. It leaves states with an internal motivation to comply separate from the strategic

¹⁵ Lewis 2003, 99, 98, 99.

¹⁶ Kelley 2007, 573.

¹⁷ Kelley 2007, 573.

¹⁸ Brooks and Wohlforth 2005, 517.

calculations of costs, benefits, and interests.¹⁹ This mechanism has become central to contemporary constructivism: it is used to explain compliance; it provides the transmission mechanism by which the outside social structure affects the inside interests of states; and it helps justify an empirical research agenda derived from a social, rather than rationalist, ontology of states.²⁰ Finnemore summarizes the core argument: “states are socialized to want certain things by the international society in which they and the people in them live.”²¹ This process creates “new political goals and new values that have lasting impacts on” the central issues in IR, including “the conduct of war, the workings of the international political economy, and the structure of states themselves.”²² March and Olsen use it similarly to define the logic of appropriateness as distinct from that of consequences: “actors following internalized prescriptions of what is socially defined as normal, true, right or good, without, or in spite of, calculation of consequences and expected utility.”²³ They see this as a “perspective on how human action is to be interpreted”²⁴ as well as an accurate description for how people (and states) really do behave much of the time.

There are two problems with this use of the idea of internalization: first, its internal logic does not support a distinction between norms and interests because the process it describes is the merging of external rules into internal interests; second, its external validity is low because it predicts only compliance with rules and cannot explain decisions to change, violate, or manipulate international rules. The first problem means that the two approaches

¹⁹ I follow Checkel 2005 by treating socialization and internalization as different views into the same phenomenon. The former refers to the external pressure on an individual and the latter refers to the internal psychological changes produced by this pressure. What I call internalization is his type II socialization.

²⁰ For instance, Wendt 1999, Ch.6, Finnemore 1996, Hurd 1999. This might be useful for setting up ideal types to distinguish legitimation from other *concepts* of social control, as in Hurd 1999, but for empirical research ideal types must be translated into observable phenomena. The present paper suggests that this translation may not be possible for IR.

²¹ Finnemore 1996, 2, emphasis in original.

²² Finnemore 1996, 3.

²³ March and Olsen 2004, 3.

²⁴ March and Olsen 2004, XX.

(constructivism and rationalism) cannot be differentiated by the way they treat interests (which is the dimension most often cited as the main location of their disagreement) and the second problem means that constructivism has become overly structural and overly compliance-oriented. It has fallen victim to the problem that Dennis Wrong identified as the “oversocialized conception of man,”²⁵ and it has ceded the explanation of strategic behavior entirely to rationalism.

The internalization model makes it impossible to distinguish between explanations of behavior based on self-interest and on norms. The two motivations look to outsiders and feel to the actors themselves precisely the same. Both explanations expect individuals to act to maximize their interests; they differ only in the stories they tell about how they come to have those interests. There are no observable distinctions in behavior that we could use to decide whether action was motivated by self-interest or legitimated norms. It may be the case that this accurately reflects the real world – if so, it should not be identified as a problem with the models. However, if this is the case then we should recognize that all efforts to test whether norms or self-interest are primary are sure to fail. Under the pressure of internalization, the two explanations are perfectly coincident.

The internalization model gives no explanation for how states could choose to break international norms, other than a ‘failure’ of internalization. As a result, non-compliance with norms is must always be understood with the tools of rationalism rather than constructivism. By assuming that norms are internalized into actors’ interests, we have made behavior that violates the norm literally inconceivable. Because interests are recast to conform to a norm, to act counter to the rule would mean acting against one’s own belief about one’s interests. When states approach legitimated norms in these models they are not agents operating under a model of ‘choice;’ they are rule-followers by constitution. This suggests there should be

²⁵ Wrong 1961.

perfect compliance with all legitimated rules. Neither rationalism nor constructivism suggests that states choose policies they believe are against their interests and so it is inconceivable that actors could choose to violate a legitimated rule. In practice, actually observed outcomes will always depend on other influences and so behavior may not match the norms perfectly.²⁶ But the internal logic of internalization is to make interests the same as the norm and so, *ceteris paribus*, its effect should be nothing but compliance. Any failure to comply must be attributed to an incompleteness of the internalization process or to countervailing pressures, but the more complete is internalization the more perfect will be the rate of compliance.

This approach to the relation between norms and interests means that we are left with no conceptual apparatus for thinking about behavior that invokes norms in a hypocritical, manipulative, or instrumental way. In between the behaviors of perfect compliance and the complete setting aside of the rules, there is a great deal of activity that involves the strategic use, misuse, and reinterpretation of norms. This would include behaviours such as appeals for others to follow norms that one does not believe in oneself, re-interpretations of the norm so that it fits with one's preferred action, and forum shopping in search of an institution to justify self-interested behavior. These are all common practices in IR and they depend for their value on the simultaneous operation of strategic thinking and legitimated rules. As Voeten notes regarding the UN Security Council [SC], "empirically, there are examples aplenty where state actors consciously and explicitly evaluated the trade-off between the legitimacy benefits of the SC and the costs of compromise necessary to obtain those benefits."²⁷ The internalization approach not only fails to generate useful tools to study these situations but goes further and denies that strategic thought can coexist with legitimacy. The strategic utility of norms is inconceivable.

²⁶ See, for instance, Shannon 2000.

²⁷ Voeten 2005, 549.

II. Agents and Structures

The problems with internalization manifest themselves in IR theory at the structural level as an intractable form of the agent-structure problem. The ‘norms’ story explains compliance in highly structural terms, as the result of actors being socialized to follow the rules contained in the international environment.²⁸ The ‘interests’ story is entirely agentic, with actors freely choosing among options, including compliance and non-compliance. The two represent opposite ends of a continuum between perfectly structural and perfectly agentic models of world politics. The agent-structure problem is thereby recreated in the guise of a debate over whether norms or interests explain behavior.

The agentic model is shown in Andrew Guzman’s rationalist account of “how international law works.”²⁹ His premise is that “in deciding how to act [toward rules], the state compares the total payoff in the event of a violation to what it would receive should it comply.”³⁰ This calculation incorporates terms to represent the effects of reciprocity, reputation, and the possibility of retaliation, so that the equation should fully accommodate the expected costs and benefits to compliance over the long term, including the value that others see in the rules. Norms and rules have an impact on these calculations by changing the relative costs of the possible options, and both codified international law and more generalized expectations about behavior can induce compliance by states even if their interests would otherwise counsel non-compliance. The key mechanism for Guzman, as for the broader rationalist approach to law and norms, is the interest that states have in maintaining a reputation for rule-following. They assume that such a reputation is rewarded by one’s partners in the future through a higher level of cooperation than would otherwise

²⁸ The rules or ideas might also be domestic in origin (for instance Legro 1996) but my interest is in rules, norms, and ideas at the international level.

²⁹ Guzman 2008.

³⁰ Guzman 2008, 75.

obtain. For this logic to work in the real world, as Guzman notes, states must expect that a reputation for dishonesty or hypocrisy will be punished. He says “there is little reason for states to avoid being seen as noncooperative with respect to international law if international law does not help states to achieve their goals.”³¹ This approach models rules and norms as external influences on the costs and benefits of states’ options. Rules are conceptually equivalent to weather or geography, in the sense that all three are structural influences on state behavior, external to states and taken as givens. While rules and norms may be changed by powerful actors over time, for each moment of decision they are understood as fixed facts of the decision environment. This approach encourages us to focus on the dynamics of the choices made by states in the situations in which they find themselves, and in particular on those moments of decision where state interests are in conflict with the existing rules – it is at those moments, according to Guzman and others, that we are in the best position to observe how and whether international rules affect state decisions. The approach is agentic in its core.

The structural version of the norms/interests dichotomy can be seen in a typical constructivist account of the socialization of states by norms. Jeffrey Legro defines socialization as “a process of inducting actors into the norms and rules of a given community.”³² This process involves the community (or its representatives or institutions) “teaching” or “persuading” the state to adopt norms, policies, or interests that reflect the ideological positions of the community.³³ The source of energy in this research program lies in the structure of rules and norms in which states exist. Because the actors in this view are assumed to believe in the norms of their environment and have incorporated them into their

³¹ Guzman 2008, 13. The problem of hypocrisy is interesting for IR theory, and Guzman’s approach raises it indirectly. Scholars of IR have not paid enough attention to empirical research to test whether it is true that being seen as hypocritical is harmful to a state. If all states expect others to be instrumental toward the rules then we might predict there would be little expectation of sincerity. On hypocrisy, see Runciman 2008, Grant 1997.

³² Legro 2005, 804.

³³ ‘Teaching’ and ‘persuading’ are central to Gheciu’s application of Legro’s model to the relationship between NATO and Eastern European states. Gheciu 2005.

private interests, they do not need to be analyzed as rational, strategic, thinking agents. They no longer make meaningful calculations about the costs and benefits of following the rule since there is no conceptual distance between the rules and their interests; in the place of calculation are automatic rule-following, ‘taken-for-grantedness,’ and behavior that enacts scripts set by the external environment. Even the states that are doing the socializing of others are modeled as something less than independent actors: it is as if they are carrying out a computer program that they have internalized by which they strive to disseminate the norms and rules which constitute them.

These two approaches show the ends of a continuum between agent-centered and structure-centered research. One finds its key research questions in how agents manipulate a rule-filled environment and the other finds its questions in how the structures reshape the agents. What lies in between on the continuum? Each often makes a rhetorical gesture toward the interaction between rules and states, generally to point out that in the long-run state actions can remake the rules, but when it comes to empirical work they generally fall back on the assumption that for any given moment in time it makes sense to work from one end or the other of the continuum. In practice, however, most of what happens in world politics appears to fit neither mold – neither states taking rules as fixed external cost-constraints nor authoritative sources of socialization – and is instead a creative mix by states of acting constrained by rules but also acting strategically to remake the rules. Recognizing the behaviors that exist in the middle of the continuum allow us to begin to study interesting phenomena that draw on both legitimated rules and strategic motivations, such as “constructive non-compliance,” the aversion to being seen as breaking rules, and the ubiquity of legal justification for state policies.³⁴

³⁴ These are the themes of the larger work from which this article is drawn. See also Hurd 2008.

The tendency to adopt one or the other end of the continuum has generated a disciplinary division of labor between rationalism and constructivism whose contours and limits I discuss next.

III. Rationalism and Constructivism

The debate between legitimacy and strategic behavior as explanations for state behavior is an instance of the more general divide in IR between rational choice and constructivism. Elements of this debate have been analyzed in a number of ways, including as a problem of epistemology (“how would we know the difference between the two models?”), ontology (“are states essentially rationalist or constructivist?”), and empirics (“do states respect borders out of instrumental or normative concerns?”)³⁵ Recent surveys of these arguments have undermined the claim that there is a paradigmatic ‘Fourth Great Debate’ hiding within them,³⁶ and the view that the two represent complementary research agendas is now arguably the conventional wisdom in IR theory.³⁷ Despite the pragmatic pluralism on display in IR theory dealing with epistemology and ontology, in empirical research it is still common for scholars to frame their debates in terms of an either/or choice between strategic behavior and normative concerns. Both the pluralist and the either/or framings of the relationship between constructivism and rationalism presume that the two can be meaningfully separated, either to isolate their respective spheres of competence or to test them against each other as competing accounts of a single phenomenon. This section considers the prevailing interpretation of how these two schools relate to each other and shows that this has

³⁵ For examples of the first, see the references in Fearon and Wendt 2002. On the second, see Lewis 2003. On the third, see Hurd 1999. For overviews and analyses of the debates, see Sending 2002, Fearon and Wendt 2002

³⁶ See especially Fearon and Wendt 2002.

³⁷ Zürn and Checkel 2005.

entrenched an unhelpful division between norms and interests, states and rules, and agents and structures.

Fearon and Wendt for instance define the central feature of constructivism as a concern with “how the objects and practices of social life are ‘constructed’,” which entails an interest in the role of ‘ideas’ in social life and in the ‘constitution’ of actors and structures.³⁸ This often turns into a research agenda focused on how actors come to hold certain beliefs about their interests,³⁹ but it may also be either more or less expansive than that. A more expansive version includes research on how actors come to be constituted as agents in the first place or how their social context is shaped.⁴⁰ A less expansive version looks at how ideas influence the choice of strategies by actors with fixed and pre-given sets of interests.⁴¹ All three research programs are constructivist in the generic sense of being concerned with how social settings and knowledge affect outcomes, and they all share a commitment to the idea that actors’ interests and identities are affected by their social environment through a process of internalization or socialization.⁴² March and Olsen define constructivism around their idea of the “logic of appropriateness,” which to them means “action that is essential to a particular conception of self.”⁴³ This approach centers on the claim that action is sometimes motivated by the practice of following rules that are appropriate to one’s sense of self-identity. Constructivism is therefore the study of the power of identity to generate rule-following. This is defined in opposition to the “logic of expected consequences” inherent in rationalism: “Scholars committed to an identity position, on the other hand, see political actors as acting in

³⁸ Fearon and Wendt 2002, 57-58. Also Ruggie 1998, who says “constructivists hold the view that the building blocks of international reality are ideational as well as material” (879).

³⁹ For instance, Finnemore 1996.

⁴⁰ For instance, the essays in Biersteker and Weber 1996, Wendt 1999.

⁴¹ For instance, the essays in Goldstein and Keohane 1993.

⁴² The third is the least affected by internalization, but as I argue below, it does not avoid it because it rests on the belief that countries gain by acting in ways that others see as appropriate. Internalization is crucial in explaining the beliefs of these others.

⁴³ March and Olsen 1998, 952.

accordance with rules and practices that are socially constructed, publicly known, anticipated, and accepted.”⁴⁴ The constructivist position is conventionally defined as bringing in to IR concepts (such as identity, legitimacy, and socialization) that contradict the emphasis on instrumental calculations of utility that define the rationalist approach.

Rationalism is generally understood to be about strategic choice by individuals. This involves precisely the instrumental calculation of utility that constructivists exclude from constructivism. Where constructivism excluded strategic calculations by definition, rationalism focuses on it exclusively. Checkel says that where strategic calculation “operates alone, there can – by definition – be no socialization and internalization.”⁴⁵ Lake and Powell define rationalism as a method which “assumes that actors make purposive choices, that they survey their environment and, to the best of their ability, choose the strategy that best meets their subjectively defined goals.”⁴⁶ This relies on two distinct components: first, that actors are rational, and second that they find themselves in strategic situations. On actors’ rationality, Lake and Powell say that “by rational... [we] mean simply that actors can rank order the possible outcomes of known actions in a consistent manner.”⁴⁷ On the strategic environment these actors face, they say “A situation is strategic if an actor’s ability to further its ends depends on the actions others take.”⁴⁸ Together, these elements provide a useful working definition of the rationalist approach to IR, one that is consistent with March and Olsen’s model of a “logic of consequences.”⁴⁹ To study ‘strategic behavior’ in IR has come to mean to apply this rationalist framework to explaining outcomes among states, and to avoid internalization. March and Olsen say “A consequentialist frame sees political order as arising

⁴⁴ March and Olsen 1998, 952.

⁴⁵ Checkel 2005, 809.

⁴⁶ Lake and Powell 1999, 6-7.

⁴⁷ Lake and Powell 1999, 7.

⁴⁸ Lake and Powell 1999, 8.

⁴⁹ March and Olsen 1998, 2004.

from negotiation among rational actors pursuing personal preferences or interests in circumstances in which there may be gains to coordinated action.”⁵⁰ This need not represent an ontological commitment about the essential nature of states, but rather is commonly described as a methodological ‘bet’ that making these restrictions for the sake of research simplicity can lead to useful results.⁵¹

Even Fearon and Wendt, who define rationalism as a version of methodological individualism, still maintain its connection to strategic behavior and cost-benefit calculations in distinction to socialization and internalization. They conclude from their survey of rationalist applications in IR that at the heart of the enterprise is an effort to account for “a whole – an outcome, or pattern of actions – in terms of component parts.”⁵² They find Schelling’s research project, “going from ‘micromotives’ to ‘macrobehavior’,” to be a good representation of rationalism in general.⁵³ While they note that in practice most applications of rationalism in IR make additional assumptions about the motives or interests of strategic actors, for instance regarding materialism, self-interestedness, or an instrumentalism toward rules, they do not maintain that these are essential to the approach. This is compatible with Lake and Powell as well as March and Olsen: they all agree that at the core of rationalism is an interest in how incentives lead to decisions, and how these decisions accumulate to produce order, disorder, and other patterns. This is important because it helps define rationalism as an approach that does not study the internalization of norms.

Defined this way, all ‘strategic’ situations among ‘rational’ actors are considered to be the territory of rationalism and are by definition unamenable to constructivism. This becomes

⁵⁰ March and Olsen 1998, 949.

⁵¹ Lake and Powell 1999. Finnemore argues for the same kind of pragmatism on the constructivist side: we cannot “‘prove’ that this [constructivist] approach is ‘right’.... [we] can, however, demonstrate its utility.” Finnemore 1996, 5. Fearon and Wendt 2002 highlight the concern that methodology may sometimes be mistaken for ontology in specific applications.

⁵² Fearon and Wendt 2002, 56.

⁵³ Fearon and Wendt 2002, 56.

clear when we consider what is not included in rationalism in IR: according to Lake and Powell, three kinds of questions remain outside the domain of strategic choice: those about non-strategic situations, non-rational actors, and the origins of interests and of actors. Many have recognized the importance of constructivism's story about the last of these, on the origins of interests and identity. The other two (non-strategic situations and non-rational actors) are less often identified as the central focus of research in IR, although from my argument above we can see that constructivist approaches in effect concentrate on them almost exclusively. A non-strategic situation is one where decisions are not contingent on the behavior of others, and non-rational actors are exemplified by action based on habit rather than strategic calculation.⁵⁴ Internalization, as conventionally understood by constructivists, produces only non-rational actors in non-strategic situations. Rose McDermott has observed that "constructivism may examine the cultural underpinnings of the norms, ideas, and interests that help formulate political action and behavior, but the individual in such models tends to be shaped and constrained by these larger sociological and cultural forces."⁵⁵ This is true both of the individual person (McDermott's target) and also of how many constructivists treat the state as an actor.

Having constructed this disciplinary divide, one key theme of IR theory scholarship in the past 10 years has been how the two might be reconciled. The two main strategies for this reconciliation are the 'competitive test' and the 'two-step sequence.' The first is an attempt to pit the two against each other and determine which one is a better representation of the real world. It asks whether the situation in question includes the redefinition of interests or not, and if it does then constructivism, rather than rational choice, is the relevant approach. The

⁵⁴ Lake and Powell 1999, 3-4.

⁵⁵ McDermott 2004, 8.

second accepts that both are worthwhile but that one must be logically prior to the other – in other words, that they are complementary and sequenced rather than directly comparable.

The competitive test model of rationalist-constructivist relations is used by Jeffrey Lewis in his research on the European Union. He aims, as noted above, “to test competing claims side by side and assess which image – rationalist or constructivist – more accurately accounts for the behavior of national officials.”⁵⁶ The ‘two-step’ sequence begins from the premise that competitive tests are impossible. The two logics cannot be tested against each other, it is said, because they are tools for answering different kinds of questions.⁵⁷ The result is a research program centered on distinguishing the boundary between the exclusive realms appropriate for each. The most common two-step method is to sequence the two kinds of explanation so that internalization takes place first, followed by strategic thought.⁵⁸ Jeffrey Legro made a seminal statement of the two-step model in 1996 in which he proposed that an understanding of domestic cultural content was necessary prior to modeling the behavior of rational state actors.⁵⁹ Culture, through internalization, set the parameters of strategic choice. Differences in the cultural understandings of different war technologies led leaders to show restraint in the use of chemical weapons but to abandon restraint over strategic bombing and submarine warfare. The constructivist half of Legro’s argument rests on a standard version of internalization – that norms influence actors’ beliefs about their interests – and his rationalist half follows the strategic pursuit of those interests.⁶⁰ Legro’s approach is a practical

⁵⁶ Lewis 2003, 99.

⁵⁷ See Legro 1996, Fearon and Wendt 2002.

⁵⁸ See Ferejohn 1991.

⁵⁹ Legro 1996.

⁶⁰ Legro’s case is unusual among constructivists in suggesting that *domestic* culture should be the main empirical focus. Compare this to Finnemore’s defense of the opposite claim: that “domestic politics and local conditions cannot explain many of the interests articulated and policy choices made.” Finnemore 1996, 2.

application of what Goldstein and Keohane called the “road maps” function of ideas in international relations.⁶¹

The two-step model is appealing to both constructivists and rationalists.⁶² It supports a popular accommodation between the two based on a pair of premises that are generally acceptable to both constructivists and rationalists: first, that constructivism explains interest formation while rationalism explains strategic behavior in the pursuit of those interests, and second, that internalization is one important mechanism by which international norms are operationalized into state behavior. Seen in this light, the world views described by Lake and Powell and by March and Olsen are perfectly compatible. They concur on the meaning of constructivism. They also agree on the domain of rationalism, centered on instrumentally calculating actors in strategic settings. The two only differ in their choice of which part of the sequence is most useful for explaining the empirical phenomena of interest to them.

The limits of this division of labor can be seen when we consider how it understands rule-breaking by states. Where states are found to be following international rules, scholars often engage in a zero-sum debate between interest-based and norms-based explanations for that rule-following.⁶³ Where they are breaking the rules, it is assumed by both camps that it is sufficient to explain the outcome as being the result of state interests aligned against compliance. The overly structural approach of constructivism provides few conceptual tools for thinking about why states might break the rules. Despite the emphasis on what Barnett and Duvall call “productive power,”⁶⁴ most empirical constructivist scholarship focuses entirely on explaining states’ choices to follow the rules. To break the rules requires that the actor be able to conceive of interests that are not completely remapped by socialization and

⁶¹ Goldstein and Keohane 1993, 12.

⁶² See for instance March and Olsen 2004 and Guzman 2008, 21.

⁶³ For instance, Kelley 2007, Lewis 2003, Johnstone 2008.

⁶⁴ Barnett and Duvall 2005.

internalization, which in the current state of relations between constructivism and rationalism requires also that we leave the domain of constructivism.

Rule-breaking is one subset of the broader category of strategic behavior around rules. The broader category includes manipulating rules, reinterpreting them, invoking them strategically to justify one's behavior, and using them as political cover. All of these are pervasive behaviors in world politics, and the current division of labor in IR theory excludes them from constructivist research because they involve the strategic pursuit of goals by states. By simultaneously adopting the model of internalization to explain how norms work and accepting Lake and Powell's definition of strategic situations as those where actors can rank-order outcomes and outcomes depend on the choices of others,⁶⁵ constructivists often define themselves out of the business of explaining rule-breaking. Neither of Lake and Powell's conditions is compatible with internalization: on the first, an internalized norm makes the behavior of others irrelevant to an actor's calculation about compliance since compliance is built into the identity of the actor – the actor is constituted to comply; on the second, when rules are internalized the decision situation is no longer 'strategic' – one's actions are not conditional on the behavior of others because actions are pre-determined already by internalization. What others do is irrelevant, except if it reaches the level of causing a new norm to be internalized in the individual. The decision calculus that precedes taking action does not involve comparing options with goals; there is no need to do so since the actor is programmed by the prior socialization to make a particular choice. In this way, using internalization as the mechanism that distinguishes constructivism from rationalism leads to the conclusion that rationalism is about instrumental, strategic action and that constructivism is about non-strategic concerns. This generates a clear either/or competition between

⁶⁵ Lake and Powell 1999, 6-7.

rationalism and constructivism, both for scholars and for decision-makers, and it makes both models unhelpful in studying the kind of strategic behavior that uses norms instrumentally.

Rationalists, on the other hand, maintain that the power of reputation might explain both rule-following and rule-breaking. They see maintaining a reputation for rule-following as valuable because it leads to increased cooperation from others in the future, but in the extreme it is a goal that might be traded off in favor of an enticingly large reward to defection in the present.⁶⁶ This approach requires that there be a cost to rule-breaking, and it imagines that cost coming from a reduction in the propensity of others to engage in profitable cooperation in the future. This often does not succeed in avoiding the problems of the internalization model outlined above because these models often suggest that states have a general aversion to dealing with states that are known rule-breakers. If the core of the reputation argument is that states punish those who break norms such as *pacta sunt servanda*, ie. the general obligation to live up to one's commitments, then it rests on the internalization of norms in the same way as does the constructivist approach. The incentive to punish rule-breakers appears to come from an internalized belief in the importance of rule-following. William Riker's approach to the 'strategy of rhetoric' takes this form – he suggests that the contending parties to the US constitutional settlement of 1778 deployed competing interpretations of an idiom valued by the electorate.⁶⁷ They strategically manipulated norms internalized by the audience. This is common in rationalist accounts of reputation, where internalization is still at work but it operates in the audience rather than on the actor. If all states were instrumentally oriented toward the rules and none believed in them, as suggested by the consequentialist school, then it would not be possible to manipulate others by taking advantage of others' attachment to the rules (focal points may be different). References to

⁶⁶ For instance, Guzman 2008.

⁶⁷ Riker 1996.

rules are only useful to an actor if the rules are seen at least by some others as being inherently valuable, and if the actor can at the same time conceive of acting strategically around them. Without an attachment to the rules on the part of some members of the society then there would be no benefit for an actor who invoked the rules duplicitously.

The internalization model therefore undermines the possibility of strategic behavior by states toward legitimated international rules and norms. This is problematic for both rationalist and constructivist methods. Indeed, it makes for a strict differentiation between rationalist and constructivist approaches, with the former concerned with instrumentalism and strategic action and the latter explicitly not. As a consequence, it leaves both schools without tools for thinking about behavior that is norm-aware but not unthinkingly compliant. Instrumentalism toward rules is defined out of possibility by constructivism. The problem is different on the rationalist side: while rationalists accept that legitimacy sometimes ‘matters’ to outcomes, they provide no operationalization for it other than the idea of internalization borrowed from the constructivists. Rationalism is therefore no more helpful on ‘norm strategic’ behavior because it has no way to explain why being seen as rule-following is instrumentally useful to states.

IV. Practice and the Use of International Rules

The previous sections have described a dead-end for IR theory, arrived at by pursuing the idea of internalization as the mechanism by which international rules and norms shape state interests and thus behavior. In this final section, I suggest a path out of this problem.

To understand the interaction between states and international rules, I suggest an alternative approach that focuses on the practice of states invoking rules to justify their actions. This behavior, which is ubiquitous, shapes both states and rules. By looking at the

practice of using rules, we can avoid the problems identified above that follow from assuming that states are either over-socialized rule-followers or rule-independent free agents. Pouliot sets of a theory of “the logic of practicality” based on Bourdieu and others.⁶⁸ My interest here is not in the “background” material of social practice which he focuses on but rather in the interaction between states and rules that takes place when states draw on the norms and rules around them to construct their behaviors and their explanations for their behaviors. The practice of invoking rules to explain or justify behavior is “productive” in the Barnett/Duvall sense in three dimensions: it gives meaning to the rules themselves by showing how the state understands them when applied to a particular case; it gives meaning to the case by showing that the state understands it as an instance covered by this particular set of rules; and it gives content to the state’s identity by showing what rules the state believes are important. The use of the rules in the practice of foreign policy contributes to the on-going remaking of states, rules, and the international system.

To see this approach at work, consider how states relate to the rules and norms on humanitarian intervention. It is generally agreed in IR that intervention for humanitarian rescue is allowed under certain circumstances. It is also clear that there is no consensus over what those circumstances are. Any attempt to specify the rules or to apply the concept to a particular case leads to great controversy. While there is broad agreement on the existence of a category of international intervention that is acceptable due to its humanitarian objectives, any application of that concept leads to disagreement and controversy over its specifics. The rules of humanitarian intervention are international norms but we cannot explain their effect by suggesting that states have internalized their content into their interests. The contestation over the meaning and application of the concept suggests that internalization has not taken place. The content is highly ambiguous and is perhaps ultimately unknowable, and the degree

⁶⁸ Pouliot 2008.

to which states disagree over application of the norm to particular cases suggests that they could not have internalized them. States retain a clear understanding of their interests as separate from the norms of intervention and are quite willing to manipulate them for political advantage. That said, the concept retains its political importance. It is used, and is useful, despite its ambiguities. ‘Humanitarian intervention’ as a political justification for foreign military adventures is invoked by states to justify their foreign policy behavior in a wide range of cases. The practice of using the concept persists despite the failure to agree on its terms.⁶⁹

Neither constructivism nor rationalism as defined above gives much help in understanding the utility states see in invoking the norms as part of their justifications for behavior. This strategic behavior has clear affinity with the “self-interested cost-benefit calculations” understood by Brooks and Wohlforth and the rationalists, but they give no reason why other states should value such cheap talk;⁷⁰ on the other hand, the power of normative justification makes sense to constructivists, but only if we assume that states have internalized the norms and so are incapable of acting strategically toward them.

The political utility of norms like that on humanitarian intervention comes from the fact that others change their response when those norms are invoked as a justification or explanation for behavior. This power to change the situation comes from a combination of the instrumental manipulation of the norms and their status as legitimated rules. Both ends of the spectrum from agentic rationalism to structural constructivism must be present in any coherent explanation of the power of norms in international relations. Neither the competitive test nor the two-step sequence is useful here: both attempts at reconciliation maintain that the approaches should be kept separate. My argument is that in the real world of international

⁶⁹ Indeed, the inability to agree on the meaning of the term may increase its usefulness as a political justification.

⁷⁰ Brooks and Wohlforth 2005, 517.

relations the two are never separate, and that they should not be kept separate in our conceptual approaches to IR theory.

One consequence of my turn to looking at the practice of invoking rules is that it takes our attention away from questions about state compliance with rules. ‘Compliance’ may not be a useful, testable variable in state behavior. If we want to know if states are following the rules on humanitarian intervention, we need to first learn what the rules are and then compare the behavior to those rules. This requires two acts of interpretation, first of the rules and second of the behavior, and both are likely to be contentious and unconvincing for precisely the same reason that states have failed to codify rules of humanitarian intervention – they can’t agree on how or when to reinterpret the idea of state sovereignty to make a humanitarian exception for the use of force. These interpretations would have to be made by referring back to how states had used the concept in the past, either to judge whether they had become customary law or to know how state practice had given rise to norms and expectations. This reference back to practice means that the defining feature of the present norm is the history of how states have used it in the past. The interpretations states have provided in the past shape the norms and rules of the present, and the present uses of the rules constitute their future meaning. While there may be some cases where judging compliance is a useful endeavor, the humanitarian intervention norm shows that there are many more where it is a distraction.

V. Conclusions

This article has described three manifestations of a single problem in IR theory. The problem is that the relationship between states and rules is conventionally understood in one of two ways: as active states choosing whether to follow rules, or as passive states who are socialized to follow rules without strategic thoughts. This pair of positions encourages

empirical work that assumes that either norms or interests motivate behavior, that states are either unsocialized atomistic agents or structurally determined oversocialized rule-followers, and that ‘rationalism’ refers to research on the strategic calculation of interests and ‘constructivism’ to the impact of epistemic norms on states.

The ‘two logics’ metaphor from March and Olsen has become a short-hand for the more general distinction between rationalism and constructivism, and internalization is increasingly recognized as the foundation of the ‘appropriateness’ side of the dichotomy. Its popularity, and that of the two-step sequence, has much to do with the clarity and simplicity it brings – the starkness of the ideal-types is appealing. However, when we move from ideal-type to empirical research, we see that it is entirely unsustainable as a model of state behavior because the theory of internalization predicts that states give up their instrumental nature and their strategic ways, and thus become automatic rule-followers. To the extent that it rules out rule-breaking, strategic considerations, and norm manipulation, the internalization model is a poor foundation for explanations of how legitimacy affects state behavior. We see in the international system a great deal of strategic behavior around rules and norms, some of it compliant with the rules, some marginal but still justified in terms of the rules, and a little of it openly flouting the rules. As Krasner has shown, international history is brimming with the strategic manipulation of rules by states, even for central norms of the system that states appear to believe are legitimate such as those on sovereignty and non-intervention.⁷¹ The standard constructivist account provides no guidance on how to modify the ideal-type assumption of internalization to make it more useful for empirical work. Having set up internalization as the antithesis of strategic thought, there is nowhere to go to make internalization more realistic except to give up ground to its opposite.

⁷¹ Krasner 1999.

To say that constructivism is about behavior tuned to ‘appropriateness’ while realism and liberalism are about ‘consequences’ is internally inconsistent and misleading. It is wrong both in the dichotomy it draws between appropriateness and consequences, and wrong in equating constructivism with appropriateness and realism and liberalism with consequences. The strategic use of international resources like rules and norms is pervasive and suggests a need for a new approach to thinking about strategic behavior and legitimated rules. I briefly sketched one such approach based on state practice of invoking rules to justify policies. States are interestingly averse to admitting that they are breaking the rules, and this suggests that the rules are powerfully constraining. We can examine the power of norms without having to assume that states are socialized rule-followers without strategic capabilities.

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