

## Introduction

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### **The Problem of Praxis and its “Theoretical” Implications**

This book has been long in the making, perhaps too long. Thus, it is not surprising that its first conception was overtaken by events in the scientific debate and by practical political problems. Both circumstances made a rethinking of the problems addressed in such a treatise necessary, but also significantly altered its problematique. Originally this book was planned as a sequel to *Rules, Norms and Decisions*,<sup>1</sup> The first order of business was therefore the clarification of the original constructivist challenge to the dominant mode of “theorizing” in the field, even though issues and arguments have significantly changed over time, as e.g. the recent turn to practice demonstrates. To that extent, the familiar gambits become of limited usefulness, such as distinguishing between strong and soft constructivism, identifying constructivism with post-modernism, holding it compatible with traditional social science, or doubting its compatibility. Instead, a closer engagement with the *substantive issues characterizing political action*, and the realm of praxis seemed required, instead of limiting oneself to the debates on International Relations (IR) “theory.”

The most important implication of those preliminary reflections was the idea which I plan to defend throughout this book: in the social sciences we are concerned with action, namely with accounts of what actors have done and said, believed, and desired, since also institutions “are” only because they are reproduced through the actors’ actions. An analogy to nature and its “facts” is, therefore, misleading, since for action the temporal dimension of irreversible time matters. This irreversibility of time, calling attention to the performative aspect of actions, requires some finalistic explanation schemes that are quite different from accounts in terms of efficient causes. In short my argument is that because a characteristic of praxis is the problem of action taking place

<sup>1</sup> Friedrich Kratochwil, *Rules, Norms and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs*, Cambridge: Cambridge University Press, 1989.

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in irreversible time, different epistemological and methodological tools are required than those of “theory” as understood by the unity of science position.

Against my espoused position several objections can be raised. One is to cast doubt on the alleged indispensability of emphasizing the actors and their intentions, which relies on Weber’s famous argument for the “subjective” point of view. One could argue that certain important social phenomena are characterized precisely by their apparent lack of intentionality, of which the run on the bank is the best example. After all, it is a phenomenon of unintended consequences, which Waltz uses as a proof for his claim that some “structures” must be at work.<sup>2</sup> I think that such a conclusion is unwarranted. A run on the bank certainly cannot be explained in terms of intentions of *each single actor*, since it is the result of strategic interaction leading to undesired outcomes, but unintended consequences – as the word suggests – are simply *parasitic* on intentional accounts. In other words, we understand that the failure of accounting for the result consists in the mistaken assumption that the outcome must have been *intended* by each actor instead of being the perverse result of strategic interaction and aggregation. But this does not mean that we have to abandon the action perspective altogether.<sup>3</sup>

Similarly, we could object that by taking a purely subjective point of view we give up the ideal of scientific objectivity, and exchange it for the rather dubious procedures of empathy and trying to get into the “mind” of an actor. But Weber’s operation called *Verstehen* has nothing to do with empathy, with reading an actor’s mind, or with having a privileged access to her desires and psychological states,<sup>4</sup> as even a cursory reading of his writing shows. Admittedly, part of the confusion results from Weber’s poor choice of words. However, the feelings, thoughts, and intentions, which we usually adduce in order to explain an action, are hardly ever “private” in the sense of the Cartesian model of the mental states of an actor. In other words, the feelings referred to are not simply the inaccessible internal dispositions of the mind or states of the individual psyche. The same can even be said about the most private of feelings, i.e. pain, as Wittgenstein suggested.<sup>5</sup> Even here we can and *do* communicate about it, even though we can never really feel somebody else’s pain.

In sum, taking an action perspective does not mean that we need access to the psychology of the actor, but that we make an attribution that actor X

<sup>2</sup> Kenneth N. Waltz, *Theory of International Politics*, Reading, MA: Addison Wesley, 1979.

<sup>3</sup> For a fundamental discussion of the problems involved in intentional explanations, see G.E.M. Anscombe, *Intention*, 2nd edn., Ithaca, NY: Cornell University Press, 1957.

<sup>4</sup> Max Weber, *Aufsätze zur Wissenschaftslehre*, 5th edn., Tübingen: J.C.B. Mohr, 1985. See especially the controversies with Roscher, Knies, and Stammler.

<sup>5</sup> See Ludwig Wittgenstein, *Philosophical Investigations*, trans. Elizabeth Anscombe, Oxford: Basil Blackwell, 1968, paras. 243–315 (discussed within the argument against a “private language”).

chooses *a* in order to get *b* on the basis of typifying a situation and choosing the practices that provide the templates for reaching the goal (without assuming that what “works” is an optimizing choice). Here personal accounts concerning the motives are certainly important, but they need not be privileged in the explanation we accept as true. After all, the actors might have an incentive to misrepresent their true intentions or they might simply be confused, either about the situation or about the means of reaching the goal (or both). Thus, disclaimers by an actor who signed a form with the heading “Contract” will hardly be convincing to us – even if the actor avers that he simply exercised his penmanship and denies having actually signed a contract – unless we have evidence that this person is delusional or was incapacitated at the signing.

Another objection to my espoused position could be that the proposed action accounts violate in important respects the logical requirements of true causal explanations. To the extent that in finalistic or teleological accounts (Aristotle’s famous *hou heneka*<sup>6</sup>) the goals of the action (effect) and the motive for action antedating the actual choice (cause) *are not independently* defined – as in the case of explanations utilizing efficient causes – this objection is true, but irrelevant for the following reasons. First, if we rejected all intentional accounts because of this epistemological belief, we would end up with an incredibly impoverished research agenda and with virtually no access to the social world, as I argue below. Second, if we attempted instead to recast intentional accounts in efficient cause language, the results are equally problematic. Indeed, an incredible amount of time and effort has been spent on this project, of which structuralist reports are good examples. Here agents are often treated simply as throughputs for “objective factors” that are then supposed to do all the explaining, but then the ominous agent/structure problem arises.<sup>7</sup>

Given these reflections I see no reason to follow the first two objections instead of critically reflecting upon the implications of the last argument. In other words, one realizes that “causality” is a cluster term, which exhibits some “family resemblances” among different notions of cause but the latter are not entirely of one cloth. To that extent, a “reductionist” urge to favor “efficient causes” is missing the point.

<sup>6</sup> Aristotle, *Nicomachean Ethics*, trans. J.A.K. Thompson, Harmondsworth: Penguin, 1955, at 25.

<sup>7</sup> For the agent/structure problem, see David Dessler, “What Is at Stake in the Agent/Structure Debate,” *International Organization*, 43:3 (1989): 441–473; Alexander Wendt, “Anarchy Is What States Make of It,” *International Organization*, 46:2 (1992): 391–425; Heikki Patomäki, “How to Tell Better Stories about World Politics,” *European Journal of International Relations*, 2:1 (1996): 105–133; Roxanne Lynn Doty, “Aporia: A Critical Explanation of the Agent/Structure Problem,” *European Journal of International Relations*, 3:3 (1997): 365–392; Patrick Jackson and Daniel Nexon, “Relations before States: Substance, Process and the Study of World Politics,” *European Journal of International Relations*, 5:3 (1999): 291–327.

### The Plan(s) of the Book

For the above-mentioned reasons, I began to analyze social life through the prism of norms leading sometimes to a common misperception of what constructivists do. While “constructivists,” among whom I am usually counted, have sometimes been accused of having some particular political project, be it peace, emancipation, or some notion of the good life, I think such a link to a specific political project is neither necessary – even if some type of elective affinity could be established for instance between advocates of human rights and their constructivist orientation – nor is it even useful for social analysis to begin with an overarching project or some ultimate values.

Another misunderstanding concerns the loose language often used to explore the role of norms. When we say that norms enable or prohibit certain actions, it should be clear that they are neither causes nor actors. It would be indeed fatal if the clarification that norms are not efficient causes led to the equally mistaken notion that they are “actors” or represent some agential matter that, like miasmatic pathogens, “get into” the actors and “make them” act in a certain fashion. Much of the norm diffusion literature is misleading if read with this metaphor in mind. But even if we want to avoid this pitfall and focus on “what norms do” (instead of what they “make us do”), we are prone to make a similar mistake, as norms do not act and thus cannot be “actors,” even if the “life cycle” of norms suggests as much. Interestingly enough, although norms increase and decrease in their valence, the “death” of norms (as part of their “life”) is hardly ever discussed in the social science literature, while in law “desuetude” or new supervening or abridging norms are supposed to take care of this problem. Here the discussions in IR could have profited from both more detailed historical investigations and from exposure to jurisprudence and legal theory.

It is therefore unsurprising that I sought help from those disciplines. The crucial question was to what extent insights from other disciplines can be “transported” to our field and still do good work instead of having to be declared dead on arrival. The “operationalization” of law as behavioral regularities, or as an “intervening variable” in the early regime debate, is an obvious example of dangers of the first kind, while the anemic discussion of the role of ideas that has been limping along in IR journals for the last two decades or so<sup>8</sup> was directly the result of apparent ignorance of the parallel debates in political theory, history, and sociology.

Given this predicament, the overall aim for this book – or rather its first conception – was pretty straightforward, even though its scope was already rather daunting. Two main tasks needed to be mapped out: an organizing

<sup>8</sup> Judith Goldstein and Robert O. Keohane (eds.), *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*, Ithaca, NY: Cornell University Press, 1993.

scheme for presenting my argument, and a more principled engagement with questions of interdisciplinary research, as otherwise the attempt at contributing to a social theory of IR had to remain fanciful indeed. Here an invitation to give a series of lectures on law and interdisciplinarity at an international law forum in 2011 at Belo Horizonte (Brazil) forced me into a critical engagement with interdisciplinarity, translatability, and intertextuality which was – with several additional chapters – published as a book in 2014.<sup>9</sup>

Yet, having written that book, and having identified some fruitful strategies for research, it became all the more important to tie the position elaborated there to a better-articulated analysis of action. Here again two focal points emerged after prolonged reflection: one, an inventory of the ongoing practices in contemporary politics and two, a more critical engagement with social action. In other words, it seemed imperative to examine praxis more explicitly as it was first outlined by Aristotle, only to resurface later in Hume's philosophy of common life and in his historical work, or in the "pragmatist" critique of the last century. It identified the "quest for certainty," i.e. a social "theory" informed by Cartesian ideas and the epistemological project, as the main reason for misunderstanding ourselves and the "world of our making."

Weaving together all these strands resulted – when judged with hindsight – more in a *tour d'horizon* of contemporary politics and its discourses than in a traditional book that is written from a "central perspective" and where one "problem" or one storyline carries the reader through the entire presentation. Instead, we have here a form of presentation that antedates such a central perspective, which Ruggie has so nicely identified with modernity,<sup>10</sup> and which perhaps is most visible for example in the painting of Piero della Francesca<sup>11</sup> and later representational styles. In other words, this opus follows a mode of presentation that comes closer to a painting in which the picture includes also elements which are not directly part of the central "theme." For, example, the sponsors are placed at the sides or below, or heavenly onlookers hover above the scene. Similarly, sometimes even actions and events which occurred before and could not have been observed at the time or point at which the picture "cuts in" are part of the oeuvre.

Sometimes a painter also tried to construe the meaning of the painting by using a heavy dose of anachronisms and allegories. Here for instance

<sup>9</sup> See Friedrich Kratochwil, *The Status of Law in World Society: Meditations on the Role and Rule of Law*, Cambridge: Cambridge University Press, 2014; Friedrich Kratochwil, "A Guide for the Perplexed? Critical Reflections on Doing Interdisciplinary Legal Research," *Transnational Legal Theory* 5:4 (2014): 541–556.

<sup>10</sup> See e.g. the reworked articles on territoriality, transformative change and post-modern forms of analysis by John Ruggie, *Constructing the World Polity: Essays on International Institutionalization*, London–New York: Routledge, 1998.

<sup>11</sup> Here both the portrait of Federico Montefeltro and the view of an "ideal city" come to mind.

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Altdorfer's depiction of Alexander's battle with Darius at Issos (333 BC) comes to mind, which I chose as the book cover. This picture was painted in 1529 for William IV, Duke of Bavaria, who joined the Emperor Maximilian in battling the Turks who threatened Vienna. In order to show the "significance," the painter gives this battle a contemporary as well as a "cosmic" meaning by placing it in a European landscape – but also showing its transformative implications by depicting the Nile delta at the edges. Furthermore, the armies wear Renaissance armor, and the center of the painting represents the moment when Alexander faces Darius himself – here symbolizing the "East" – and puts him to flight. Still other parts of the painting tell the story of different tactical moves of the troops that must have occurred before. The artist also uses eschatological symbols such as the sun and moon (Christianity v. Islam's half-moon) to show that this battle had existential dimensions. It makes its message appear timeless, as the painting joins the history of the *civitas terrena* with that of the "end of times," namely the Last Judgment and the final redemption beyond time. Thus, different stories are told and represented here, so that this picture cannot be reduced to the familiar genre of a battle painting.

Perhaps another analogy, taken this time from music, is also helpful for how to "use" this present treatise. Think of polyphonic compositions in which the different "voices" are not only independent but come together and fade out, and new themes are introduced that are repeated in the form of a canon or lead against each other (as in double or triple fugues). All of this creates a different "music" and requires a different form of "listening" than following a single melody accompanied by supporting accords. Here the difference between Tallis's *Spem in alium* (composed for forty voices) and Beethoven's "breakthrough" Fifth Symphony (in C minor) can serve as an illustration.

Given the contemporary conventions of presenting arguments, my mode of exposition might be a problem, but it also could be an advantage, as it "trips up" the reader and makes her/him perhaps more critical and attentive, precisely because it does not provide for a smooth sailing over the intellectual ocean. Besides, such a "decentered" mode of presentation was put to good use in the treatise of the early international lawyers, such as Grotius, or moral philosophers, such as Montaigne, or even later by Hume (in his *Treatise*). Consequently, it is not a foregone conclusion that what we want to know can only be transmitted by following the present canonical (and largely Anglo-Saxon) form. What does, however, become obvious, is that this work cannot be "read" by skimming the Introduction and the Conclusion. "Reading" it requires a more dialogical engagement with the text than just taking note of some "results" in the conclusion. To that extent, a "user's" manual for such a text would suggest that – if a reader has neither time nor gusto to work through the "whole thing" – s/he could concentrate on certain themes, which are elaborated in subsections and for which the extensive index is helpful. For that purpose,

a listing of the various “themes,” that intertwine and disengage at different points rather than being dealt with in separate chapters, might be helpful.

### *The Themes*

The *first* “theme” is that this book should not be considered as a work of traditional IR “theory.” In its intention and execution, it is rather more at home – in terms of the current taxonomy – in international studies for the reasons outlined above. The transformative changes we are witnessing touch, after all, on comparative politics, on international law, on economics, on political theory and they also raise issues of culture and identity, thereby “redrawing” the boundaries of the established disciplines.

That leads me to a *second* theme that runs through the entire work: the emphasis on language and on conceptual analysis for analyzing social reproduction. The latter emerged from ordinary language analysis pioneered originally by Wittgenstein and was later further developed by Austin, Searle, and others. This mode of inquiry not only shows the importance of ordinary language in mediating between different disciplinary understandings but also has important epistemological implications. It serves as a powerful criticism of traditional taxonomies and “truth” theories and derives our understandings not from the traditional notion of a meeting of a concept with a preexisting “reality out there” – i.e. not from reference or essentialist properties – *but from the use of concepts* and our ability to “go on” with our individual and collective projects. To that extent, it remains “critical” as questions cannot be decided either by “fiat,” as in Hobbes or “decisionist” approaches, or by the “things themselves” that show us their “fit” (world to mind). Instead this analysis calls attention to the fact that especially in the social world the question of what “is” (“this note is legal tender”) runs from the mind to the world (mind-dependence), instead of the other way around as conceptualized by positivist “theories.” The analysis remains critical since it tries to establish “criteria” for the “right” or problematic use of concepts and their embeddedness in the semantic field informing the practices of the actors.

From these considerations, the importance of a familiarity with the philosophical issues that establish our practices of arguing – both about nature and the social world – emerges as a *third* theme. It cannot be left unattended or reduced to issues of methodology, based on the unreflected borrowing of bits and pieces gleaned from the Cliff notes on philosophical writings. But it also does not allow for the killer argument that philosophy (epistemology) or “nature” (physics) provides the ultimate answer, since they are able to decide what “is” or “is not.” Such a take on the problematique of knowledge is dogmatic, since it asserts what has to be proven in the first place. i.e. that there exists one and only one way to decide what is the right answer to a (any?)



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question. But this assumption is obviously mistaken, since we can describe the world in various ways and ask different questions. What “is” a crime or a trespass in law can obviously not be answered by providing a coroner’s account of a gunshot wound, or by showing that the physical laws and necessary factual conditions of a jump over a fence are all that there is to a “trespass.” After all, the concept implies a lack of authorization for the act of jumping and thus does not get its meaning from the laws of motion, but from other norms to which it is linked.

The implication of these considerations is not only an argument against reductionism but a plea for taking the philosophical issues seriously that our ways of acting in the social world and of reproducing it by words and deeds entail. This is a *fourth* theme that informs my argumentation. It cannot be dismissed as just “gnawing on the little bones of Kant,” as a leading political scientist during the “behavioral revolution” once suggested – and which recently was repeated again in the cause of exorcising “isms” in the field.<sup>12</sup> For me the obvious remedy lies in a more thorough engagement with the philosophical issues, not in their dismissal or bowdlerization.<sup>13</sup>

A *fifth* theme is that the absence of a “theory” providing the absolute “view from nowhere” means espousing a form of perspectivism, i.e. the recognition of the partiality of all of our knowledge and the need for “internalizing” such a recognition within our inquiries. But this requires also the recognition that we have to translate from one “theory” to the “other.” instead of believing that we are testing “against nature.” This gives rise to the anxiety that with such a stance we end up in “relativism” and with an attitude of “anything goes.” Of course, nothing like that follows, particularly if we realize that the traditional true/false dichotomy with its principle of the excluded middle might be a poor philosopher’s stone. Something might neither be true nor false but simply be irrelevant to a problem, as we all know, so that a “third” does exist and we had better examine the nature of the warrants which we attach to our statements in order to buttress our validity claims. Validity again has various sources, which all have to be subjected to criticism in particular cases. Thus, we might appeal to “evidence” (empiricism), to moral intuitions, to nature and its laws, to ontology, to authoritative prescriptions, or to overall plausibility, or (quite problematically) we (un)consciously rely on prophecy (unconditional

<sup>12</sup> See e.g. David Lake, “Why ‘isms’ are Evil: Theory, Epistemology and Academic Sects as Impediments to Understanding and Progress,” *International Studies Quarterly*, 55:2 (2011): 465–480.

<sup>13</sup> Here I have to ask the reader for some patience since I insist on actually going to some key passages and interpreting them instead of relying on “Cliff notes” or uncritical acceptance of widely shared opinions. This might seem like digressions that disturb the flow of the argument, making it lengthier and less elegant. But as the discussion of the distortions of Humeanism, or the pedigree of “sovereignty,” shows, such an engagement is indispensable.



predictions) because some events – which are treated as signs of the “things to come” – have already materialized.

While this enumeration of validity claims appears to constitute a rather checkered list – particularly since some “theological” criteria (prophecy) have been included – it will be the task of this book to show that much of what masquerades as IR “theory” relies for its explanatory power on a highly problematic philosophy of history which represents little more than a secularized version of a redemptory history. This recognition introduces three further themes that are central to this treatise: the appeal to authority and the importance of law for the study of the social world, the issue of prophecy and prediction (rehearsed in various “theories” of mapping the “stages of development” of the “end of history”), and the issue of “historicity.” The latter distinguishes the realm of praxis, which makes its subjection to criteria of “theory” – conceived as a set of universal and ahistorical “true” statements of what is the case – an inappropriate yardstick, a problem which is taken up from different angles in the last three chapters of the book.

Let us begin with the appeal to authority and the importance of (positive) law for the study of the social world, which represents the *sixth* theme. While everybody probably agrees that law plays an important role in the reproduction of the social world, most interest is devoted to law as a technique of social engineering, i.e. the reproduction and orderly change in a society, whereby the “compliance” problem takes pride of place. But this represents a rather reductive approach since law has special relevance to praxis as it deals (a) with situations and deeds (i.e. with conjunctions rather than with events in homogeneous time), (b) with the constitution of a social order (which could be conceptualized as a problem of parts and whole) and (c) with ascriptions of responsibility, which is unknown in nature (aside from using the term “causation” metaphorically).

To that extent my interest in (international) law had little to do with issues of “enforcement” or with the cosmopolitan project of substituting law for force – since after all, law might play a role in persuasion, but that observation does not dispense with law’s own presumption that it is authorized to use coercive means, if persuasion fails. If we, however, jump to the conclusion that therefore “coercion” forms the “core” of law (à la Derrida) we should be careful, as the experiences neither with domestic nor international criminal law support this inference, a problem I address in Chapter 7. To that extent, I have always been rather agnostic towards much of the discussion about normative “boom-rangs” or norm-cascades, or even the Kantian a priori duty to bring about a cosmopolitan order (which most of the time looks awfully like an imperial project). Here my Humean skepticism was always greater than the enthusiasm for trying to establish the “kingdom of ends.” Judging by the results, such efforts frequently lead to highly problematic choices in which the political

ideologies of idealism and realism become co-dependent enablers. To them I gladly leave the disputes of which orientation is then to blame for the policy disasters we are witnessing.

My interest in law originally centered on epistemological problems since it was the only discipline which has been able to maintain an alternative approach to analyzing choices without resorting to “ideal assumptions” and which provided for a resolution of conflict in the absence of a clear algorithm that could muster assent because of its (logically) compelling nature. This seemed particularly interesting to me as a student of politics since here we have to deal with choices which have to be binding on all but which cannot claim the compelling assent universal “reason” supplies for “true” theoretical propositions. Thus, the literature on “prudence” from Aristotle to Hume’s common sense, to the pragmatists’ criticism of the “quest for certainty” underlying our efforts to build a “theory” seemed to me of particular importance for social analysis. First it debunked the idea of the primacy of the epistemological project, and second, it called attention to the importance (of the power) of judgment – Kant’s *Urteilkraft* – that provides the validation of “reflective” choices.<sup>14</sup> Finally, it provides us with an escape from the traps that since the Enlightenment have plagued social analysis by interpreting the emergence of “humanity” as a “plan of nature” that works itself out behind the back of the actors.

The criticism of this notion of “development” and the “end of history” which are indebted to the prophetic tradition – and thus pretend to possess the power of unconditional prediction! – on the basis of recognizing the identification of alleged “signs” that have been disclosed to the illuminated, represents the *seventh* important theme. I try to elaborate on the differences between a genuine historical understanding and prophetic understandings. The former uses the past as a guide for realizing the political projects whereby “history” provides important “lessons.” The other sees the past as “gone” and done with, and orients itself, as far as action is concerned, solely by a pre-ordained “end” of history. Both strategies fail, however, in coming to terms with the problem of the “historicity” of action, i.e. its conjunctural and “constructed” dimension. The first strategy tends to treat “history” as a storehouse of data in order to derive from them some “theories”; it also calls attention to the constructed nature of any “history” that is always a “selection” or record of “things worth remembering” (*recordari*), in which not only cognition but emotions and “identities” of the historical individual are involved and the peculiarities of historical reflection, transmitted in narratives, come to the fore. The second strategy is the flipside of this misrecognition. It is blind to the fact

<sup>14</sup> “Reflective” choices concern decisions that cannot be buttressed by compelling but only by plausible or persuasive reasons. See the discussion below in Chapter 11.