The utopia and reality of sovereignty: social reality, normative IR and 'Organized Hypocrisy'

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Abstract. This article applies E. H. Carr's analysis of utopia and reality, and a Searlean-constructivist analysis of rules and norms, to the concept of 'sovereignty' in general, and Stephen Krasner's argument in *Sovereignty: Organized Hypocrisy* in particular. In doing this, the article charts a theoretical space that incorporates insights from classical realism, scientific realism, and philosophical (social) constructivism. To view 'utopia' and 'reality' as distinct yet equally important planes of International Relations (IR) inquiry, thereby treating 'sovereignty' as a single concept with descriptive and normative elements, highlights both the merits and the shortcomings of Krasner's approach. Furthermore, this type of analysis suggests a fruitful way to continue a contemporary normative discussion about what sovereign entities ought to do.

Introduction: Utopia and reality

Politics are made up of two elements – utopia and reality – belonging to two planes which can never meet. There is no greater barrier to clear political thinking than failure to distinguish between ideals, which are utopia, and institutions, which are reality.[1]

Utopia and reality are [. . .] the two facets of political science. Sound political thought and sound political life will be found only where both have their place.[2]

In *The Twenty Years' Crisis*, E. H. Carr claims that utopia and reality are two elements of politics that belong to 'two planes which can never meet.'[3] At the same time, however, they are the 'two facets of political science', meaning that the use of one mode of thought without the other renders any political analysis incomplete.[4] On one hand, 'utopia' and 'reality' are separate planes, but on the other hand, they are

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[1] E. H. Carr, *The Twenty Years' Crisis 1919–1939: An Introduction to the Study of International Relations* (New York: Palgrave, 2001), p. 87.
[2] Ibid., p. 10.
[3] Ibid., p. 87.
[4] Ibid., p. 10.

both necessary elements of sound political analysis. Ken Booth remarks that this is a central 'ambiguity' in Carr's classic work: he is 'confused as to where he [stands] in relation to utopianism and realism'.[5] Booth is surely correct that the discipline of IR need not shy away from normative theorising, and that Carr has been misunderstood if his work is read as an unqualified endorsement of 'realism'. However, the ideas – (1) that in thinking about IR one ought to keep utopia and reality, ideals and institutions, conceptually distinct from one another, and (2) that in thinking about IR, one cannot, with cogency, focus exclusively on one or the other – are actually quite compatible, quite helpful, and not the result of muddled thinking about the relationship between utopia and reality.

I aim to reconcile the two ideas above by applying Carr's analytical tools – and other complementary ones – to the concept of sovereignty, especially as it appeared in academic and policy discourse in the post-Cold War period. What follows is not meant as a contribution to 'Carr scholarship'.[6] Rather, it is the application of a type of approach Carr might have endorsed to a contemporary argument, Krasner's in *Sovereignty: Organized Hypocrisy*,[7] and a contemporary set of related issues – for example: the constitution and construction of social reality; the nature of institutional facts; international rules and norms; and the descriptive and normative aspects of political concepts. Carr is an interesting starting point because he is typically presented as both a founder of the IR discipline, and of a 'realist' way of thinking about that discipline, but he also engages seriously with an important, unresolved question that has surfaced throughout the history of political thought: how to deal, theoretically, with a social world that has both descriptive and normative elements.

The argument will begin with a brief discussion of Carr's utopia-reality distinction, and it will relate this distinction to William Connolly's ideas about the descriptive and normative aspects of political concepts,[8] and to Carr's Marx-inspired ideas about the descriptive and normative aspects of the political world.

The article will then move to Stephen Krasner's argument in *Sovereignty: Organized Hypocrisy*, which will be a special focus of the article because the author fashions himself a 'realist'[9] in Carr's sense: a debunker of his contemporary colleagues' utopian ideas about sovereignty. The article will begin to engage with Krasner's argument by contextualising it, exploring the 1990s context in which he felt the need to provide a dose of realism about the concept of sovereignty. In the process of providing this context, the article teases apart the descriptive and normative elements in the concept's use. Krasner is correct in his intuition that a dose of realism is required, because particular stories about sovereignty that were being told in the 1990s are largely incorrect in historical (descriptive) terms about the nature of the

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[5] Ken Booth, 'Security in Anarchy: Utopian Realism in Theory and Practice', *International Affairs*, 67 (1991), pp. 530–1.

[6] A critic who objects to what follows on the grounds that Carr drops out of the picture from time to time has not understood the point.

[7] Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999).

[8] William E. Connolly, *The Terms of Political Discourse*, 3rd edn. (Oxford: Blackwell, 1993).

[9] 'Realism' and 'realist' are terms that can have many meanings. As a general rule, this article will use these terms as defined by E. H. Carr in *The Twenty Years' Crisis*, unless otherwise specified: for example, by specifying 'scientific realism' or 'IR realism', the latter referring to the theory of international relations generated by Hans J. Morgenthau, *Politics Among Nations: The Struggle For Power and Peace*, 6th edn. (New York: Knopf, 1985), and amended by Kenneth Waltz, *Theory of International Politics* (Reading, MA: Addison-Wesley, 1979).

institution under discussion. However, Krasner's argument is ultimately flawed. Although he is good, in one sense, at separating the planes of utopia and reality – at using historical facts about an institution to discredit 'utopian' arguments with which he disagrees – in another sense, he has an impoverished understanding of the interrelationship between the descriptive and normative aspects of IR and IR concepts.

The article proceeds to formulate an analysis of sovereignty based on philosophical (social) constructivism, drawing more substantively from the work of John Searle than from the work of any particular IR constructivist.[10] This is done to arrive at a 'realist' understanding of the concept that is *also* able to incorporate 'utopia' in the manner prescribed by Carr. Descriptively, and *contra* Krasner, the article will show that sovereignty can be correctly viewed as an institutional fact that constitutes the contemporary international system. Furthermore, viewing it at such can lead smoothly to important normative discussion about what sovereign entities, once so constituted, can legitimately do.

Finally, the article will apply the analysis throughout to contemporary world politics, concluding by showing the main argument to be practically relevant. I demonstrate that the 'sovereignty' framework defended in the article can be applied coherently to contemporary questions about legitimate action in today's international system. The article defends an analytical approach and philosophical tools by applying them, rather than simply affirming them, to arrive at conclusions about one particular issue. Though I offer signposts along the way (throughout the article and footnotes) about topics that could be followed up in future research, I shall ultimately leave it to the reader to determine the extent to which the approach is generalisable – or not – to other IR issues.

Ideals and institutions

'Sovereignty' is a concept that is used descriptively and normatively in contemporary IR theory. In its *descriptive* use, IR thinkers ask what sovereignty is. Is it international legal recognition? The right of non-interference? The domestic ability of a regime to control a clearly demarcated territory? Debates about the content of concepts that are primarily descriptive aim at creating a neutral, 'scientific' language in which the political world and its institutions can be intersubjectively discussed, with all parties using the same concept to mean the same thing. The *normative* use of sovereignty asks whether sovereignty is good, or what sovereignty ought to be. For example, given a particular descriptive reading, or a conception, of the concept of sovereignty – for example, that it involves either the fact or right of non-interference in the affairs of states – one can ask ethical questions about whether, overall, this is a good or bad principle to maintain.[11]

IR theorists encounter problems when they blur together the descriptive and normative uses of 'sovereignty' without making it clear, or realising themselves, that they are doing so. One need not make an either–or choice between the descriptive and

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[10] John Searle, *The Construction of Social Reality* (London: Allen Lane, 1995).
[11] Connolly, *Terms of Political Discourse*, pp. 1–44.

the normative uses to which the concept can be put. However, cogent writing about 'sovereignty' should involve clearly taking the two apart in one's mind before attempting to fit them together. *This* is what Carr means when he separates political inquiry into two separate planes, neither of which sound analysis can do without. Political *thought* should not be misrepresented as really existing political *life*, and *vice versa*, but one must always take the other into account, in order for both to be sound.

There are parallels between the two ways – descriptive and normative – that an IR concept such as sovereignty can be used, and the modes of thinking that E. H. Carr labels 'realist' and 'utopian'. Carr's utopia-reality distinction and the more general normative-descriptive distinction are intertwined, but not identical, and a discussion of the distinctions' links should help to clarify what follows. The 'utopian' mode of thought starts by fleshing out a *normative* position, and uses this position to arrive at prescriptions or conclusions about the *descriptive* world. When one translates this mode of thought into political action, one uses one's agency to (re)design political institutions, or to foster political events, such that the world is brought more closely into line with a normative idea about the way the world ought to be. The 'realist' applies an appropriate social-scientific method (more on this below) to expose the ontology of the social world, and then uses this information to come to conclusions about the normative theorist's prescriptions and principles. He or she asks questions about the fundamental building-blocks or properties of the social world and then draws conclusions about what can or ought (not) to be done with it by human agents.[12]

To give this discussion a bit more detail: it is significant to note that in the first chapter of *The Twenty Years' Crisis*, Carr outlines the separation of facts and values in the physical sciences, followed by an analysis of how the *social* sciences are fundamentally different, because only in this area of study can normative analysis alter the factual world that one is studying.[13] For Marx, for example, only a deep understanding of the actually existing institution of capitalism could lead to the revolution that was to overthrow this system, thus bringing about, as he saw it, a normatively better world. The lesson that readers are to glean is that there is no problem with desiring a better world – with using ideas normatively – but one must never forget that normative visions about how the world ought to be can be dangerously precarious, and dangerously wrong, if they base themselves in something other than an accurate analysis of the true nature and inner workings of particular existing institutions.

Carr employs realism against the liberal internationalists of his time who, in his view, had normative visions about making the world a better place, but who had the wrong visions, because they subscribed to ideals that were detached from reality.[14] This variety of realism is not a coherent theory, nor is it a policy prescription; realism is a way of thinking about international relations. According to Carr, the 'utopian' liberal internationalists of the interwar period did not understand,

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[12] Carr's entire discussion in *Twenty Years' Crisis,* pp. 3–88 builds up to these points. For a succinct summary of the utopia-reality distinction, see Michael Cox, 'Introduction', in Carr, *Twenty Years' Crisis*, p. xxi.

[13] Ibid., pp. 4–6.

[14] On realism as a 'critical weapon', see Peter Wilson, 'The Myth of the ''First Great Debate'' ', in Tim Dunne, Michael Cox and Ken Booth (eds.), *The Eighty Years' Crisis: International Relations 1919–1999* (Cambridge: Cambridge University Press, 1998), p. 10, and Tim Dunne, *Inventing International Society: A History of the English School* (New York: Macmillan, 1998), p. 24.

or want to understand, power, specifically how it shapes and particularises ideas and interests that can appear to be universally shared.[15] Realism, by contrast, can provide such an understanding. In the interwar period, as the story goes, ideals were insufficiently based in accurate understandings of really existing international institutions – such as the League of Nations, international law, and post-World War I treaties – and the types of power (military-political, economic, and ideational) underlying them. The ideals themselves, primarily the 'harmony of interests' idea in political thought, were not sufficiently based in political life. The 'common interest' in peace, for example, did not really exist as a common interest, since a *status quo* peace in the interwar period would have benefited the World War I victors, while harshly punishing – to everyone's eventual detriment – struggling yet powerful World War I losers such as Germany.[16]

A final and important point about Carr's approach and tools is that they fit under the contemporary category of 'scientific realism' (which did not exist, so labelled, in Carr's time). Scientific realism holds that unobservable aspects of reality exist as real entities, that they can be causes of events, and that their properties can be studied and known in the same 'scientific' manner as observable entities.[17] A 'utopian' theory is not problematic simply because it sets normative visions and objectives; it is problematic if it is 'unscientific' in this sense. That is, a theory is bound to be the wrong theory if it assumes that unobservables such as ideas, interests, and institutions are universal, unchanging, and divinable in a rationalist manner. Carr, like Marx, believes that good normative theory must be grounded in empirical and historical knowledge of the true nature of the unobservable entities that affect the social world. 'Utopians' can make moralistic, but ultimately ungrounded assumptions about these unobservable social types, without analysing, critiquing, and understanding them in empirical and historical terms. Utopians cause problems if (to use Carr's own example) they are metaphorical alchemists: people with goals, for example, to turn lead into gold, that are mismatched with a really existing element in the world (lead) that – as a well grounded empirical theory about its unobservable molecular structure would reveal – is not constituted in a way that makes the prescription possible to achieve.[18]

Sovereignty, like 'capital', and like 'power', is an unobservable of one sort or another that IR thinkers try to take into account when explaining and understanding the social world. However, as noted at the outset of the current discussion, there is a lack of clarity in the discipline about whether sovereignty ought to be used in a descriptive sense (for example, as an institution) a normative sense (for example, as an ideal) or both at the same time. A notable attempt to clarify the matter can be found in Stephen Krasner's *Sovereignty: Organized Hypocrisy*. Krasner's analysis contains both helpful insights, and theoretical flaws. Furthermore, there are parallels,

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[15] Carr, *Twenty Years' Crisis*, pp. 62–83.
[16] Ibid., pp. 42–61.
[17] Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999), ch. 2; Alexander Wendt, 'On Constitution and Causation in International Relations', *Review of International Studies*, 24:5 (1998), pp. 101–18. Two important critiques of a scientific-realist approach to IR are: Friedrich Kratochwil, 'Constructing a New Orthodoxy? Wendt's ''Social Theory of International Politics'' and the Constructivist Challenge', *Millennium: Journal of International Studies*, 29 (2000), pp. 73–101; and Fred Chernoff, 'Scientific Realism as Meta-Theory of International Politics', *International Studies Quarterly*, 46 (2002), pp. 189–207.
[18] Carr, *Twenty Years' Crisis*, pp. 6–10.

but also dissimilarities, between Krasner's analysis of sovereignty – a particular IR concept – and Carr's more general analysis of the relationship between utopia and reality in IR. The analysis that follows aims to resolve the apparent ambiguities in Carr's work by applying it to weigh the merits and shortcomings of Krasner's work on sovereignty.

Sovereignty in the 1990s

Some analysts have argued that sovereignty is being eroded by one aspect of the contemporary international system, globalization, and others that it is being sustained, even in states whose governments have only the most limited resources, by another aspect of the system, the mutual recognition and shared expectations generated by international society.[19]

Stephen Krasner begins *Sovereignty* with a brief synopsis of two prominent lines of critical argument in IR, both of which aim at explaining and/or prescribing changes to the concept of sovereignty. In this section, I shall expand upon these two lines of argument, in order to provide a picture of the intellectual and policymaking context in which Krasner writes a realist book about sovereignty.

One line of argument is that sovereignty is being eroded by 'globalisation', which in this context roughly means increasing interconnectedness, and the transfer of the ability and authority to make decisions in given territories to levels above and below the state. A second line of argument is that sovereignty remains entrenched as the primary principle or 'norm' of the international system, since states still act as though the rule of non-interference exists, doing so even to the point of preventing other principles, such as humanitarian ones, from taking a more central place. With the end of the Cold War, both of these lines of argument had gathered speed, both in academic discussion, and also in the minds of policymakers in the world's remaining superpower, the United States. The Cold War, some thought, had locked into place a 'statist international order', and its end meant new possibilities for normative change in a positive direction.[20] All of this is why Krasner felt the impetus to inject a dose of realism into the discourse. His aim is to show that prominent critical arguments about sovereignty that came strongly to the fore – though not always originating – in the 1990s are utopian in E. H. Carr's sense. More specifically, the arguments fall flat, because they are based upon an incorrect and ahistorical understanding of the nature of the institution that they attempt to discuss.

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[19] Krasner, *Sovereignty*, p. 3.
[20] Thomas G. Weiss and Jarat Chopra, 'Sovereignty Under Siege: From Intervention to Humanitarian Space', in Gene M. Lyons and Michael Mastanduno (eds.), *Beyond Westphalia?: State Sovereignty and International Intervention* (Baltimore, MD and London: Johns Hopkins University Press, 1995), p. 89.

Globalisation and enlargement

A particularly forceful claim that sovereignty has been eroded by globalisation is made by Susan Strange.[21] She thinks that contemporary times – at least since the 1970s, and most certainly since the end of the Cold War – have witnessed a 'retreat of the state' and that there has been an 'overall decline of state power'.[22] She begins by positing a point in time in which 'the territorial borders of states really meant something', and proceeds to argue that this 'has been swept away by a pace of change more rapid than human society had ever before experienced'.[23] The thrust of her book is that the *descriptive* conception of 'sovereignty' with which she begins, that sovereignty exists when the state has the supreme ability to make decisions that affect and control society in a given territory, is no longer an accurate picture of world politics, because of the role that markets and non-state actors have come to play. Therefore, she rejects a dominant *normative* conception of sovereignty (Morgenthau's), which holds that the state should be viewed as the only actor with the legitimate authority to determine what is good or ethical – that is, in line with the 'national interest' – in international affairs.[24]

By no means did the Clinton administration in the United States go as far as Strange in proclaiming the retreat of the state's position and authority in international affairs. Nonetheless, its foreign policy can nonetheless be broadly construed as viewing the world according to the metaphor of integrated, increasingly global institutions, rather than according to the metaphor of impermeable national boundaries that contain legitimate decision-making. One catchphrase of Clinton's foreign policy became 'democratic enlargement'.[25] National Security Advisor Anthony Lake was struck by this 'perfect vision of the euphoric rush to the fluid sort of democracy that the end of the Cold War had ushered in'.[26] Enlargement is the opposite of containment. The end of the Cold War had ushered in a new sort of international system, and a new sort of democracy: a more 'fluid'[27] sort. Metaphorically, for the United States, the Cold War was a time for containing elements of the international system – specifically, opposing the revision of existing borders and regimes in a communist direction – whereas enlargement is a metaphor for fluidity and expansion, and a metaphor for a different era than the one which had just passed.

For example, during Clinton's presidency, the United States pursued a controversial but ultimately successful strategy of expanding the North Atlantic Treaty Organization (NATO) to include Poland, Hungary, and the Czech Republic, and opening the door to the future membership of other Eastern European countries.[28] There is a fair degree of scepticism that the idea of 'promoting democracy abroad'

[21] Susan Strange, *The Retreat of the State: The Diffusion of Power in the World Economy* (Cambridge: Cambridge University Press, 1996); Susan Strange, 'The Westfailure System', *Review of International Studies*, 25 (1999), pp. 345–54.

[22] Strange, *Retreat of the State*, p. 4.

[23] Ibid., p. 3–4.

[24] Morgenthau, *Politics Among Nations*, p. 13.

[25] Douglas Brinkley, 'Democratic Enlargement: The Clinton Doctrine', *Foreign Policy*, 106 (1997), pp. 111–27.

[26] Ibid., p. 115.

[27] Ibid., p. 115.

[28] James M. Goldgeier, *Not Whether but When: The US Decision to Enlarge NATO* (Washington, DC: Brookings Institution Press, 1999); Roberto Menotti, 'US Policy and NATO Enlargement: Clinton's ''Unspoken Agenda'' 1993–1996', *International Politics*, 36 (1999), pp. 235–71.

provides the only and entire rationale for the Clinton administration's adoption of this policy, and I shall not get into this issue here at length.[29] In short, is fair to say that the administration determined that peace and stability in (and with) Eastern Europe was in the interests of United States, and in the interests of a peaceful and orderly post-Cold War international system, and that a policy of expanding NATO to include that region was a good means to those ends.[30]

In the foreign policy vision of 'enlargement', one can see a recurrence of the themes present in Strange's story about the contemporary international system. Globalisation had been changing the international system since at least the 1970s, and the system has been most certainly different since the end of the Cold War. That was the time for containment; this is the time for enlargement. Global markets, and a growing web of international institutions such as NATO in which states can become enmeshed, are the vehicles which can best create a peaceful and stable world made up of like-minded free-market democracies. In the United States, IR realists and IR liberals have contested whether there is, indeed, a causal link between democratic forms of governance domestically, and the absence of war internationally.[31] I am not concerned to resolve this debate here, except to highlight the central problem that 'democracy' is a famously imprecise concept that can mean different things to different people.[32] Perhaps it is more instructive to identify the means or the causal mechanism by which something labelled a 'democratic' peace can allegedly be produced, than to argue about what is or is not produced by this normatively loaded kind of political concept.

With this in mind, I have used this example from the Clinton administration's foreign policy to bring out a central point. Enmeshing 'unstable' or 'undemocratic' countries in international institutions and authority structures, from the global market to the North Atlantic Treaty Organization, was the central means by which peace and stability were to be produced. The 'fact' that a transformation in the international system had taken place, brought about by globalisation and the end of the Cold War, is accepted. The consequence is the policy prescription to use international institutions in order to champion the goals of a stable Europe, and a democratic peace.

Non-interference and intervention

Having completed this brief explanation of the first line of argument about 'sovereignty', I shall now move to the second piece of the 1990s context to which Krasner is responding. This piece involves the sub-field of normative IR, often framed in the 1990s around a debate between 'cosmopolitans' and 'communitarians', and the related discussion about 'humanitarian intervention' as a policy option. It is

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[29] Especially on how Russia fits into the picture, see Menotti, 'US Policy', and Stephen J. Blank, 'NATO Enlargement Between Rhetoric and Realism', *International Politics*, 36 (1999), pp. 67–88.
[30] Richard Holbrooke, 'America, A European Power', *Foreign Affairs*, 74:2 (1995), pp. 38–51.
[31] Michael E. Brown, Sean M. Lynn-Jones, and Steven E. Miller (eds.), *Debating the Democratic Peace* (Cambridge, MA: MIT Press, 1996).
[32] See Connolly, *Terms of Political Discourse*, pp. 29–35 on how very different descriptive aspects of 'democracy' can be emphasised to make the same normative point about its status as a good system of government.

possible to reach back much farther than 1977 when looking for arguments about the moral relevance of the nation-state, and sovereignty and non-intervention have been dealt with by more than one IR scholar.[33] However, I begin this discussion by focusing on *The Anarchical Society* due to Krasner's explicit concern with the line of sovereignty discourse stemming from Hedley Bull's text.[34]

Bull emphasises that states which are properly called 'states' possess both internal sovereignty, 'which means supremacy over all other authorities within that territory and population', and external sovereignty, 'by which is meant not supremacy, but independence of outside authorities'.[35] States have supremacy over all other authorities in a territory, and also ought to have this supremacy; states have independence *vis-à-vis* outside authority structures and also ought to have this independence. Furthermore, Bull argues that the contemporary international system falls into a particular category of international system – the 'international society':

> If states today form an international society . . . this is because, recognising certain common interests and perhaps some common values, they regard themselves as bound by certain rules in their dealings with one another, such as that they should respect one another's claims to independence, that they should honour agreements into which they enter, and that they should be subject to certain limitations in exercising force against one another.[36]

According to this analysis, states have a common interest in order. The rules of international society, such as the rule of non-interference, 'enable and constrain state actions' in a way that achieves this normatively desirable principle.[37] Sovereignty exists, and it is good that it exists, because the concept contains within it a set of rules that affects the behaviour of states in a manner that creates and perpetuates the order that is desired by those living within an international system.

'Sovereignty' in this sense is a major subject of the cosmopolitan-communitarian debate that came to prominence in the 1990s.[38] For example, Molly Cochran lists 'the moral standing of states' as one of three major points of contention between cosmopolitans and communitarians, especially concerning 'whether states and the present state system promote or impede the individual's personal development'.[39] If the community is a necessary locus of individual self-actualisation, and if states are needed to protect and preserve the community's ability to provide this locus, then interfering with its affairs and decisions is *prima facie* unjustified.[40] This is a broadly 'communitarian' position. If the state is morally arbitrary with regard to individual self-actualisation, and, in fact, a potential source of harm, then the justification for

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[33] For example, see (on the former point), E. H. Carr, *Nationalism and After* (London: Macmillan, 1945); and (on the latter point), see R. J. Vincent, *Nonintervention and International Order* (Princeton, NJ: Princeton University Press, 1974).

[34] Krasner cites Bull in the first footnote of the first chapter of *Sovereignty*.

[35] Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, 3rd edn. (London: Palgrave, 2002), p. 8.

[36] Ibid., p. 13. Also see pp. 22–73 for the argument that the international system *is* an international society.

[37] Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), p. 51.

[38] See Chris Brown, *International Relations Theory: New Normative Approaches* (Hemel Hempstead: Harvester Wheatsheaf, 1992), and Molly Cochran, *Normative Theory in International Relations: A Pragmatic Approach* (Cambridge: Cambridge University Press, 1999), pp. 1–118.

[39] Cochran, *Normative Theory*, p. 12.

[40] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), pp. 53–73, 86–91.

the principle of non-interference collapses, shifting the normative focal point away from states within which individuals happen to live, and to the individuals themselves.[41] This, in turn, is a 'cosmopolitan' position.

To approach the matter via the actualisation of the individual is a different route than via the maintenance of order as a good prior to any other, but nonetheless (and here is the central point), normative arguments are being made both ways *about* the rule of non-interference. The concept of sovereignty is taken *descriptively* to mean the rule of non-interference in the affairs of sovereign states, and subsequent debate is about whether the concept's *normative* connotation is positive or negative overall: that is, whether 'non-interference' is an ethically justified principle that the international system ought to maintain – or to jettison – as one of its primary constitutive rules.

Taking sovereignty in this sense has also generated a framework in which 'sovereignty' and 'human rights' are viewed as co-existing international principles or norms, which often contradict one another in terms of policy prescription. Order is not the only normative good that can be achieved by the creation and maintenance of rules that affect state behaviour: humanitarian objectives can fall into this category as well.[42] 'Sovereign rights' and 'human rights' enter thus into a zero-sum competition, and one category of rights can only be upheld at the expense of the ability to enforce the other.[43] The authority of sovereign actors to do what they want inside their boundaries is subsequently called into question, in favour of the legitimate authority of the 'larger international community' to intervene in the affairs of states in order to uphold wider norms, values, and interests: specifically, in this context, humanitarian ones.[44]

These ideas were not fleshed out in an isolated realm of pure theory. There were actual decisions being taken and continually assessed in the 1990s about whether and when states with the capacity to do so, often the United States, ought to intervene – that is, physically to inject its armed forces into the territory of another sovereign state – for humanitarian purposes, and whether and when the 'international community' ought to accord legitimacy to such actions. Actions taken, and not taken, in the aftermath of the Gulf War (in 1991–93), in Somalia (in 1991–93), in Rwanda (in 1994), and in the former Yugoslavia (throughout the decade, culminating in Kosovo in 1999) by states, non-governmental organisations, and international institutions such as the UN and NATO, provided the very real context for the emergence of the debate about humanitarian intervention as an international principle, and a foreign policy option.[45] It seemed as though, after the end of the Cold War – which, by many accounts, had stagnated the international human-rights regime that emerged after World War II – international-society rules based on humanitarian principles might begin to take a more central place, overriding, at least some of the time, the international-society rules based on the principle of non-interference.

[41] Charles R. Beitz, *Political Theory and International Relations* (Princeton, NJ: Princeton University Press, 1979), pp. 69–123.
[42] Wheeler, *Saving Strangers*, pp. 21–26.
[43] Weiss and Chopra, 'Sovereignty Under Siege', p. 88.
[44] Lyons and Mastanduno, *Beyond Westphalia*, p. 3.
[45] Wheeler, *Saving Strangers*, pp. 139–284.

'Organized hypocrisy' and Carr's realism

Krasner calls the non-interference rule 'Westphalian sovereignty', and about this rule, he makes an important realist point. With convincing historical examples drawn mainly from the Cold War period itself, he shows that this is a rule more honoured in the breach than the observance. That is, it was never a rule at all in the sense that it has not constrained the behaviour of state actors, who act in accordance with a 'logic of consequences' rather than a 'logic of appropriateness', interfering in the affairs of other states whenever they deem it necessary to do so, within the boundaries of their power.[46]

If adherence to the rule of non-interference in the international system is an important *descriptive* part of what sovereignty was taken to mean in the 1990s – that is, if there is a prevailing assumption that this rule stagnated the human-rights regime by locking in a 'statist' Cold War order – then Krasner is indeed correct. Sovereignty as such has never existed; it has always been 'organized hypocrisy', and the normative debates just discussed have been *about* little more than a figment of Hedley Bull's imagination. A principle cannot be eroding, or creating order, or preventing other principles from coming to the fore, if it has never been a principle in the first place. Rules can be taken as descriptive if and only if they are strictly followed, causing states to act in the real world in accordance with them. If rules merely prescribe 'appropriate' action, but actors feel free to do inappropriate things, then rules are normative. They belong in the realm of utopia, not the realm of reality.

In this way, Krasner's analysis is realist. Carr argues that there is 'no greater barrier to clear political thinking' than the confusion of ideals with institutions: utopia with reality.[47] An analysis which treats rules as descriptive when they are actually normative is bound to give an unclear picture of what is going on in the international system. Responsible policy, for Krasner, is based on a rational calculation of interests, and not upon the ideas, rules, or norms of institutions that exist only as hypocrisies. Remembering the earlier discussion of scientific realism, Krasner is a forceful advocate of the view that sovereignty should not be treated as an 'unobservable' with real causal properties.

On the other hand, placing the 'rules' of the international system into the normative plane, rather than the descriptive one, does not mean they are *irrelevant* to a clear and sound analysis of what is going on. This is where Krasner's analysis departs from the utopia-reality relationship envisioned in *The Twenty Years' Crisis*. Krasner ends up putting the entire concept of sovereignty into the realm of utopia, and dismissing it as less important than the rational, material calculations that state actors make. In order to follow Carr's prescription that reality *and* utopia be incorporated into an understanding of international affairs, one must look at the existence, importance, and interrelationship of both modes of thought. Therefore, a sound analysis will certainly look at states' rational calculations, but it will also look at how, why, whether, and when the rules prescribing appropriate and legitimate behaviour affect those calculations.

Finally, although Krasner aptly shows that states often ignore the rule of non-interference, one should not, and cannot, logically assume from this that there

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[46] Krasner, *Sovereignty*, pp. 20–40.
[47] Carr, *Twenty Years' Crisis*, p. 87.

are *no* rules of the international system that all participants accept. I shall begin the next section with this latter point, before returning to give a clearer picture than Krasner is able to provide about the relationship between the descriptive and normative elements of the concept of sovereignty.

Constitution and construction

To recapitulate briefly, in *Sovereignty: Organized Hypocrisy*, Krasner makes the argument that the decision-makers of states do not feel compelled to act according to the 'international norm' of sovereignty, doing so only when and how it suits the purposes of national self-interest. He concludes from his discussion that the international system is not like a game of chess with shared constitutive rules that 'players' must follow if they want to play the international relations game that we are all supposedly engaged in. Krasner's book amounts to a realist argument that international society (English School) and constructivist approaches to international relations, which emphasise the role of rules and norms, do not form an empirical fit with the reality of IR, and are therefore not helpful at 'explaining' international relations.[48] Furthermore, from an 'understanding' perspective, Krasner's argument reasserts the ontological primacy of the rulers of states, with intentions and motivations that can be best examined independently of ideational structures such as 'the norm of sovereignty', which they can disregard at will.[49] Constructivists, by contrast, place a higher emphasis on the way that agents themselves are partly constituted and shaped by the structures of the game that they are engaged in.[50]

I shall begin this section by explaining the constructivist metaphor of social interaction as a game, drawing more heavily from the work of John Searle than from any particular attempt to bring constructivism from philosophy into IR theory.[51] I proceed to refute Krasner's claim that 'international legal sovereignty' (the internationally recognised right of a governing regime's legitimate authority to make and

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[48] On the distinction between 'explaining' and 'understanding' in international relations, see Hollis and Smith, *Explaining and Understanding International Relations* (Oxford: Oxford University Press, 1991). Krasner also highlights that neorealist and (neo)liberal-institutionalist approaches take Westphalian sovereignty as an analytical assumption, and he places himself in opposition to these theories on these grounds: see Krasner, *Sovereignty*, p. 45.

[49] Krasner, *Sovereignty*, p. 43.

[50] Alexander Wendt, 'The Agent-Structure Problem in International Relations Theory', *International Organization*, 41 (1987), pp. 335–70; Robert O. Keohane, 'International Institutions: 2 Approaches', *International Studies Quarterly*, 32 (1988), pp. 379–96.

[51] There is an intra-constructivist debate between social-scientific constructivists such as Wendt, and Wittgensteinian constructivists such as Friedrich Kratochwil, *Rules, Norms and Decisions* (Cambridge: Cambridge University Press, 1989) and Nicholas Onuf, *World of Our Making: Rules and Rule in Social Theory and International Relations* (Columbia, SC: University of South Carolina Press, 1989). The Wittgensteinian set rejects the naturalist idea – which Kratochwil, for example, finds present in Wendt's work – that the social world can be studied according to the same method as the natural world. The Wittgensteinians focus on language and intentions in their analysis of the way that humans collectively constitute the world. Having to choose one or the other side of this debate would overwhelm the present purpose. Using Searle's constructivism as a baseline allows one to do several things at once: to bracket off these debates while still bringing constructivist tools to bear on the 'sovereignty' questions at hand; to use tools from different IR constructivists, including Wendt and Kratochwil, where germane, without implying an across-the-board endorsement of either of their particular approaches; and to assess the relevance of some of Wendt's scientific-realist ideas while keeping them separate from 'constructivism'.

enforce laws in a given territory) is not a constitutive principle of the international system. Although 'Westphalian sovereignty' (the rule of non-interference) is put forward as a *norm* of the international system, it is incorrect to view it at a constitutive *rule* in the same sense as 'international legal sovereignty'. Krasner's discussion of 'Westphalian sovereignty' highlights that Wendt's scientific-realist emphasis on the causal power of norms, which parallels Bull's ideas about the causal power of rules, might be overstated. However, my discussion of 'international legal sovereignty' will show that Krasner is incorrect that there are no constitutive rules of the international system that enable or disallow certain moves to be made.

In short, it is possible to use philosophical constructivism to arrive at a *descriptively* reasonable conception of sovereignty: It is an institutional fact, or set of institutional facts, that constitutes the international system. This conception of sovereignty can smoothly lead to *normative* discussion about the autonomy, authority, and legitimacy of sovereign actors and actions. The institution of sovereignty and the ideals which follow from it are thus kept in the distinct planes of utopia and reality – they are clearly differentiated and not confused with one another – and this clear differentiation allows one to think more clearly about the way that both planes operate together.

Constitutive rules

It would be good at this point to get a handle on the 'IR as a game of chess' analogy, and the idea of a constitutive rule.[52] This standard constructivist example is fleshed out by more than one constructivist, for example, by Searle (in philosophy), and by Kratochwil (in IR theory). In the game of chess, there are rules that regulate the game, and rules that constitute it. The rule that one must move a piece if one touches it is a regulative rule. One can break this rule and still be *playing* the game of chess. By contrast, an example of a constitutive rule is that bishops can only move diagonally. If John Smith is using a chess board and chess pieces, but plays a game with those material objects in which his 'bishops' move vertically, there is a sense in which John is not playing the same game as the rest of us when we say that we are 'playing chess.'[53] Another standard example is money. That a five-pound note is a piece of paper is a 'brute fact' [X]. That a five-pound note is money is an 'institutional fact' [Y], which depends entirely upon people in the context of British society [C] continuing to recognise it as such. Pieces of paper [X] become constituted as money

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[52] I am grateful to an anonymous referee for pointing out that such a discussion might begin with Hart's jurisprudential account of rules. In H. L. A. Hart, *The Concept of Law*, 2nd edn. (Oxford: Oxford University Press, 1997), one finds an account of how a legal system is constituted by two types of rules and their interaction: primary rules, which regulate agents' actions, telling them what they ought to do; and secondary rules, which tell agents how to identify and perhaps to change the primary rules. I hesitate actually to begin the discussion with Hart's ideas about rules, because the parallels between Hart's primary-secondary distinction and Searle's regulative-constitutive distinction end at a fairly early stage in one's overall account of what rules are, whether and why they are 'real', and how they can be changed. I think an attempt to draw a straight line from Hart to Searle would be problematic, and would invite a misinterpretation of Searle's ideas, but this is a matter for another article entirely.

[53] Searle, *Construction*, pp. 27–9; Kratochwil, *Rules*, p. 26.

[Y] within the context of a certain society [C], and this process confers value upon them beyond that of the 'brute facts' of the paper and ink.[54]

By implication, if a shared conception of constitutive rules has never existed, then there has never been a game in the first place: simply an anarchic interaction. Krasner makes this exact point about the international system, by rejecting that it has constitutive rules associated with 'international legal sovereignty' and 'Westphalian sovereignty' that states must accept if they want to play the game.

One critique comes to mind immediately, based on the scientific-realist distinction between causation and constitution that Wendt brings into IR. Wendt explains that social scientists *and natural scientists* are each engaged in the two types of explanation, and that it is a misconception to think of 'social' scientists as engaged in constitutive questions to the exclusion of causal ones, and of 'natural' scientists as engaged in causal questions to the exclusion of constitutive ones.[55] 'Causal' questions, quite obviously, look at cause-and-effect relationships. For example, heating water to 100 degrees Celsius causes it to boil. On the 'constitutive' side, one asks what constitutes the phenomenon that one is studying. That water is made up of 2 atoms of hydrogen and 1 atom of oxygen is a constitutive fact: a fact about the molecular structure of water. These three atoms do not *cause* water; they *are* water. Furthermore, knowing something about constitution might help to answer causal questions. Knowing the properties of lead and gold, for example, might help to explain why the historical procedures of alchemy did not cause the former to transform into the latter.[56] According to Wendt, constitutive questions are valuable to ask in and of themselves, regardless of the very likely possibility that they will allow us to come to better answers to causal questions.

In rejecting the 'globalisation' line of argument, Krasner has made it clear that he thinks state agents are still the overwhelmingly primary actors in the international system. Krasner takes care to emphasise that he is talking about the foreign-policy elites of states rather than 'states' in a more abstract sense: '[T]his study takes rulers, political leaders who make policy decisions, as the ontological givens.'[57] Implicit in Krasner's analysis, however, is his idea that some people (Prime Ministers and Foreign Secretaries) 'count as' these relevant actors, whereas others (Greenpeace activists, philanthropistic rock stars, and my next-door neighbour) do not. In international relations, to extend the chess analogy, the only pieces are kings. There are no bishops, knights, or pawns, nor are there other units of different kinds or relative strengths; sovereign states are equal units in the eyes of the international

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[54] Searle, *Construction*, p. 27.
[55] Wendt, 'Constitution and Causation'. Wendt's analysis is based in part on the realist philosophy of science, language, and reference of Saul Kripke, *Naming and Necessity* (Oxford: Blackwell, 1980) and Hilary Putnam, *Philosophical Papers, Vol. 1: Mathematics, Matter and Method* (Cambridge: Cambridge University Press, 1975); see Wendt, *Social Theory*, pp. 51–77. This is not addressed by Jonathan Joseph, 'Philosophy in International Relations: A Scientific Realist Approach', *Millennium: Journal of International Studies*, 35 (2007), pp. 345–59, in an article that offers a critique of Wendt from a Bhaskar-inspired perspective. Nor is it addressed by Chris Brown in 'Situating Critical Realism', *Millennium: Journal of International Studies*, 35 (2007), p. 409. Brown, without offering a compelling reason except for 'general usage' in IR literature, explicitly equates 'scientific realism' and 'critical realism'. The point here is not linguistic nitpicking; realist philosophers such as Kripke and Putnam provide powerful analytical tools that Wendt is not wrong in applying to IR under the 'scientific-realist' – not 'critical-realist' – heading. A good introduction to critical realism is R. Andrew Sayer, *Realism and Social Science* (London: Sage, 1999).
[56] Compare with Carr's alchemy example in *Twenty Years' Crisis*, pp. 6–10.
[57] Krasner, *Sovereignty*, p. 43.

system, and they are the only 'pieces' with the recognised ability to participate in the game. As one can see in Krasner's rejection of the line of argument which holds that sovereignty is being 'eroded', he believes that units of different kinds such as churches (bishops), terrorists (knights), and NGOs (pawns – with apologies to Oxfam) are not pieces that have the authority or the ability to participate in the same manner as states. Sovereignty constitutes the contemporary international system, at the most basic level, because the main 'players' are the rulers of territorially defined sovereign states, rather than empires, suzerainties, 'world governments', and so on. Therefore, an initial gap in Krasner's argument is that he *does* believe that some actors are constituted as international-legal sovereigns and others are not, and he attempts to disprove the 'constitutive rule' analogy by focusing on causal rather than constitutive questions.

Sovereign recognition

Krasner still has a leg to stand on. He might see this first critique as trivial compared to his overall argument that sovereignty does not act as a constitutive rule, because it does not affect the actions of states in any meaningful way. It is one thing to say that the international system is primarily populated by socially constructed entities such as states, but one can question the extent to which is it also constituted by norms or principles that act as rules by having causal effects on decisions, governing the way that 'sovereign' states can and cannot act. Although this might be read as a 'causal' question rather than a 'constitutive' one, it is still a question of some substance. Therefore, I shall push the causation-constitution distinction into the background, and rise to Krasner's challenge by providing a second critique. I examine the sense in which the concept of sovereignty is bound up with rules that do have causal effects on the international system by constituting actors, and enabling legitimate moves.

International legal sovereignty is not just a principle about what units make up the international system; it is also a principle about the properties that all players take all other players to possess. It is a rule that, if followed, would result in all states recognising the right of others to make and enforce laws in their own respective territories. Explicitly derived from *The Anarchical Society*, Wendt calls this a 'Lockean' understanding of the international system – the one which he thinks we are currently in – within which states do not only hold a monopoly on organised violence, but they also recognise the legitimate right of others to hold such a monopoly.[58]

Krasner thinks that states do not do this. Rather, states make decisions about which domestic regimes to recognise as sovereign states, and which not to recognise, based on factors in line with the principle of self-interest (a 'logic of consequences') rather than based upon an objective assessment of the natural properties (or 'brute facts') that the social kind of a 'sovereign' ought to supervene on.[59] This statement is complex, and requires some unpacking. In the unpacking process that now follows, it will become clear that actors making decisions, which can be arbitrary or

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[58] Wendt, *Social Theory*, 279–83.
[59] Krasner, *Sovereignty*, p. 5; Searle, *Construction*, pp. 34–5.

self-interested, about which regimes count as 'sovereign' and which do not, does not contradict the metaphor of international relations as a game with constitutive rules.

One must remember that in the game of chess, there is no single material fact about what a king looks like. It can be made of wood, marble, or clay; it can be various different heights, and carved in various ways; it can even be a red checker if a chess set is missing pieces, and so on. A king only becomes a king, and is ascribed the social properties of 'kingness' – including limitations on who and how it can attack, how it can move, how it must respond to threats, and, most importantly, the ability to be a piece in the game of chess – once all relevant parties recognise it as such. An object with material properties X [a piece of wood] becomes a socially constructed object Y [a king] within a certain context C [the game of chess].[60] Krasner argues that we break the rules that we are supposed to follow about which material factors [empirical properties of X] – territorial autonomy, domestic authority and supreme control, and so on – we transform into sovereign states [Ys] in the international system [C]; therefore, we are not playing a game with constitutive rules.[61] However, all domestic regimes [Xs], once declared to be and accepted as sovereign states [Ys], regardless of varying degrees of arbitrariness in the process of declaration, do enjoy the properties [international legal sovereignty] only accorded to Ys in C, contingent upon their continued recognition by other players as a Y. Sovereignty is a language that is used – or abused – to identify the actors in the international system, and to confer roles and properties upon them.[62]

It is exactly *because* the powerful, possibly self-interested states make decisions that carry weight about who can and cannot participate in the international system that Krasner has not refuted the constructivist point about international legal sovereignty as a constitutive principle of the international system. Krasner's analysis has actually done quite the opposite. He shows that the 'brute facts' of an entity, such as the existence or absence of supreme control over a territory, do not necessarily determine whether the entity is socially recognised as a sovereign in the context of the international system. Sometimes, we let weak states play the sovereignty game, and sometimes we deny sovereign access to bodies that do exhibit domestic control.[63] All states, once recognised, have international legal sovereignty, and in this sense, sovereignty is a constitutive rule of the international system.

One property that is ascribed to 'sovereign' entities in this manner is the ability to use force legitimately, although this does *not* mean – and the importance of this will become apparent presently – that all uses of force by sovereigns are therefore legitimate. For example, if Greenpeace had the recognised ability to make laws and enforce them by means of a coercive apparatus, then this would be a true break with the principle of international legal sovereignty. Greenpeace cannot legitimately make certain moves, such as sinking Japanese whaling ships, despite its appeal that it does so for 'the right reasons', whereas France can (some argue) legitimately sink a Greenpeace ship that is performing research on nuclear testing within French territory, even if France's reasons for doing so are morally suspect. Furthermore, the fact that international legal sovereignty is such an entrenched constitutive rule, with real consequences regarding whether certain uses of force can be accorded legitimacy,

[60] Searle, *Construction*, pp. 43–51.
[61] Krasner, *Sovereignty*, pp. 14–20.
[62] Also see Keohane, 'International Institutions', pp. 385–6.
[63] Krasner, *Sovereignty*, pp. 14–20.

provides the impetus for critical theorists, both from Frankfurt School[64] and postmodern/post-structural[65] perspectives, to question the continued acceptance of its centrality as such.

A 'sovereign' is a constructed social kind; it becomes an 'institutional fact' that states are sovereign, just as it is an 'institutional fact' that a five-pound note is money in Great Britain. It is this social kind that is the descriptive referent of the term 'sovereign', and not the 'brute facts' that the kind of a sovereign ought to supervene upon according to the 'rules' or 'logic of appropriateness' of international legal sovereignty. For example, part of Susan Strange's conception of sovereignty, which this article has already explored, is that an entity can be correctly called sovereign when it exhibits the ability and authority to control a clearly demarcated territory. This conception confuses a supposed normative aspect of sovereignty – that a regime ought to be recognised as sovereign if and only if it exhibits this authority and control in 'brute fact' terms – with the 'institutional fact' that any entity, once recognised as sovereign, is sovereign. Paradoxically, the empirical characteristics that sovereign regimes are 'supposed' to possess belong in the realm of utopia, whereas the socially constructed kind (or simply 'social kind') of a sovereign belongs in the realm of reality. Autonomy is an ideal, and sovereignty is an institution.

Rules, norms, and political concepts

Krasner's distinction between 'Westphalian sovereignty' and 'international legal sovereignty' calls for a brief discussion of the distinction between rules and norms. I have argued that in an international system made up of states, rather than churches, empires, NGOs, or individuals, conferring sovereignty [*Y*ness] on any domestic regime [*X*] gives it certain rights and privileges in the international system [*C*] that other units do not possess, such as the recognised right to make and enforce laws in a given territory. This right is called international legal sovereignty. Krasner's discussion of Westphalian sovereignty is about the *quality* of that right. Specifically, a state that possesses Westphalian sovereignty can exercise its right to make and enforce laws (its international legal sovereignty) free from external interference. Krasner is correct that (what he calls) 'Westphalian sovereignty' is not a rule of the international system that acts in a causal manner by constraining the behaviour of states, on par with the way an unobservable magnetic field in the physical world might prevent an object's movement. Indeed, interference, rather than non-interference, has characterised the history of the international system, in both historical and contemporary terms.[66] If non-interference is a rule at all, perhaps it is a 'regulative' one that tells actors how they ought to play the game, rather than telling them what they must accept if they want to play it in the first place.

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[64] Jürgen Habermas, 'The European Nation-State – Its Achievements and Limits: On the Past and Future of Sovereignty and Citizenship', in Gopal Balakrishnan (ed.), *Mapping the Nation* (London: Verso Books, 1996), pp. 281–94; Andrew Linklater, *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era* (Oxford and Cambridge: Polity Press, 1998).

[65] R. B. J. Walker, *State Sovereignty, Global Civilization, and the Rearticulation of Political Space* (Princeton, NJ: Princeton University Press, 1988); R. B. J. Walker, 'The Hierarchicalization of Political Community', *Review of International Studies*, 25 (1999), pp. 151–6.

[66] Krasner, *Sovereignty*.

Although the status of 'Westphalian sovereignty' as a regulative rule is ambiguous,[67] and I leave this question open for others to resolve, non-interference can cogently be considered a 'settled norm' of the international system.[68] This means that acting in accordance with the norm requires no justification, whereas acting against the norm, though always possible, calls for an explanation as to why that action is legitimate. Wendt argues forcefully that normative or ideational structures can have causal effects on actors in the same manner as the material or systemic structures that IR neo-realists such as Waltz commonly point to.[69] Wendt has probably overstated his case about the causal power of norms; he offers an ambitious list, for example, of the 'foreign-policy implications' of Lockean sovereignty.[70] Nonetheless, Krasner's complete denial of norms as causes is a bit too sharp. The possibility of appealing to international norms can change the cost-benefit analysis of rational calculation by enabling the use of soft power. For example, with reference to norms, a state can: justify its actions, minimising the cost to itself of using hard power; protest the actions of others, increasing the costs to others of using hard power; or pre-empt the need to use hard power altogether, achieving objectives by convincing others to accept the inherent rightness of one's own actions. Though not rules in any strict descriptive sense, norms do enable and disallow actors to perform actions other than the use or threat of force to achieve objectives in ways that Krasner does not sufficiently highlight.[71]

Sovereignty's centrality as an institutional fact of the international system is the reason that normative debates about 'rules' or 'logics of appropriateness' attach themselves to that concept. Political concepts can have descriptive and normative elements, which do not necessarily remain fixed, but can change over time as concepts are put to new uses in different political and historical contexts.[72] For example, Kratochwil explains that the normative elements attached to the institution of property have changed over time, and that the same can occur – and perhaps is occurring – with the institution of sovereignty.[73] This does not mean that, with political concepts, 'anything goes', and that a state can successfully mould and remould any concept to suit its interests. Discussion and change can occur when the political context so warrants, and normative discussion is usually ongoing, even when norms appear to be 'settled'.

Therefore, a sound analysis of 'sovereignty' incorporates, but separates, the institution of sovereignty and the ideals associated with it. The concept is a locus for normative debate and discussion, while simultaneously picking out, descriptively, the institution – or the 'institutional facts' – to which this discussion is attached. Utopia and reality are kept on separate planes, which are linked in a tight interrelationship through a single concept.

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[67] It depends upon one's understanding of whether one can label all prescriptions for appropriate behaviour as 'rules', regardless of whether the prescription is widely followed.

[68] Mervyn Frost, *Ethics in International Relations: A Constitutive Theory* (Cambridge: Cambridge University Press, 1996), p. 105.

[69] Wendt, 'Agent-Structure Problem'; Waltz, *Theory*.

[70] Wendt, *Social Theory*, p. 282.

[71] For a complex account of how human ideas can enable or disallow the possibility of certain forms of action, see the discussion of 'deontic powers' in Searle, *Construction*, ch. 4.

[72] Connolly, *Terms of Political Discourse*, pp. 1–44.

[73] For example, restrictions on the absolute right to do as one pleases on one's own property have developed over time; see Friedrich Kratochwil, 'Sovereignty as Dominium: Is there a Right of Humanitarian Intervention?', in Lyons and Mastanduno, *Beyond Westphalia*, pp. 21–42.

Sovereignty today: normative international relations and legitimate action

This section applies one final lesson from *The Twenty Years' Crisis*, one about power, to contemporary normative discussion about international relations. Realism offers these words of caution to those who wish to think in normative terms about international affairs: norms that appear to be universal and widely shared are often, in reality, reflections of the particular interests of the international system's most powerful members.[74] This need not lead one to the cynical conclusion that norms are irrelevant compared to – or worse, merely a subcategory of – power. Rather, one can arrive at the more useful conclusion that norms are, and ought to be, contestable.

Part of the reason that discussions of norms in IR (including Krasner's) often problematise – rather than embrace – their contestability has been a framework which sees normative IR as a competition between fundamentally different principles, such as sovereignty and human rights.[75] The 'sovereignty' principle involves a rule of non-intervention, which generates one list of guidelines about what a state ought to do in any given situation regarding its affairs with other states. The 'human rights' principle generates a different list of obligations. 'Contestability' in this sense can be read as a contest between two opposing sets of decontextualised prescriptions for state (and supra-state level) behaviour, one of which can only be followed by ignoring the other.

This picture lends itself to an analysis which concludes that self-interested states make decisions about which principles to follow, and which to ignore, in line with a 'logic of consequences' rather than a 'logic of appropriateness', because the existence of *multiple* logics of appropriateness implies that no one decision can be coherently justified as ethically right. There is a danger that, due to this picture, the entire ethical discourse about what states can legitimately do might be reduced to the unfortunate conclusion that whatever a particular state (via a national-interest or a hegemonic-stability justification) or supra-state body (via an international-consensus justification) with a normative trump card decides to be legitimate, is therefore legitimate due to that actor's decision. That is, the 'normative IR' discussion could become a pragmatist one about *who* can ascribe legitimacy to actions, or a reliabilist one about *what process* confers legitimacy on actions, rather than a morally realist one about what is and what is not actually legitimate in justifiable ethical terms. This would not be a positive outcome, because to permit an actor, regardless of which one, to ascribe this type of ethical finality ends contestability, and pre-empts normative debate.

Sovereignty's centrality as an institutional fact enables a single normative discourse about the legitimacy and authority of decisions and decision-making, because a sovereign entity is ascribed, among other things, normative properties, and normative properties are contestable. Specifically, and as argued by Christian Reus-Smit, an entity that has been constituted as sovereign becomes subject to a discourse regarding 'legitimate statehood and rightful state action'.[76] A framework which sees sovereignty as a central concept, with descriptive and normative elements,

[74] Carr, *Twenty Years' Crisis*, p. 74.
[75] Krasner, *Sovereignty*, p. 238.
[76] Christian Reus-Smit, 'Human Rights and the Social Construction of Sovereignty', *Review of International Studies*, 27 (2001), p. 520.

is an improvement over a framework which envisions a zero-sum contest between competing foundational principles, such as 'sovereignty' and 'human rights'. With a single framework, the discussion can become about the contestable boundaries that define and exclude 'legitimate' actions that can be performed by sovereign entities.

All sovereigns make decisions about insiders: for example, the manner in, and extent to which, they ought to control the territory that they are sovereign over, including what political rights to secure for their citizens. All sovereigns also make decisions about outsiders: for example, whether and when they ought to intervene in the affairs of other states.[77] Many states can ultimately make these decisions in any manner they please. However, this 'reality' does not extinguish normative discussion focused upon whether and why particular decisions made by sovereigns in these matters are and ought to be regarded as legitimate moves that sovereigns can make.[78] Many possible decisions fall inside of the boundaries of 'legitimate sovereign action', while others fall outside of them. It is *these boundaries* that are the subjects of a single normative discussion about sovereignty, which focuses on whether the boundaries are, or are not, appropriately placed.

For example, I have argued that to be constituted as sovereign ascribes an entity with the ability to use force legitimately at least some of the time. It is a widely held opinion that the terrorist attacks on the United States on September 11th 2001 changed the context, and therefore the terms, in which these boundaries of legitimacy are discussed. In the 1990s, the discussion was primarily about when it would be legitimate to intervene for humanitarian reasons: that is, when a state acts sufficiently illegitimately toward individual insiders to warrant a legitimate intervention from the outside. The events of 9/11 seemed to change the primary debate into when it would be legitimate to intervene for the purposes of fighting terrorism and weapons proliferation in defence of one's own state (and ostensibly in defence of the international system as a whole): that is, when a state acts sufficiently illegitimately, by violating its sovereign responsibility to control terrorist and weapons-of-mass-destruction activities within its territory, to warrant the legitimate use of 'preventive' force from the outside.[79]

However, at a more fundamental level, terrorist attacks can serve to remind everyone that there is a thin but real 'international morality' that is under discussion in the first place.[80] Terrorists not only demonstrate their (descriptive) *ability* to use force, but they also make the (normative) claim that they use such force *legitimately*. This has prompted an international reassertion of the rule that non-state actors cannot do this: it falls outside the boundaries of who can legitimately do what in the

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[77] Sovereigns also make decisions about *economic* distribution inside and outside the state. Cosmopolitans argue that justice requires economic decisions about outsiders to be made in an identical manner to economic decisions about insiders, on the grounds that the distinction between insiders and outsiders is morally arbitrary. This conclusion is neither explicitly recommended nor explicitly excluded by the sovereignty framework presented in this article.

[78] If some sovereigns lack the ability to take these decisions in the first place (as Strange and many others argue) – that is, if sovereigns make illegitimate moves because they lack the capacity to make legitimate ones – then this does constitute an important problem that the framework presented in this article helps to clarify.

[79] Nicholas de Torenté, 'Challenges to Humanitarian Action', *Ethics and International Affairs*, 16:2 (2002), pp. 2–8; *Ethics and International Affairs*, 17:1 (2003), 'Roundtable: Evaluating the Preemptive Use of Force', pp. 1–36.

[80] On 'international morality', see Carr, *Twenty Years' Crisis*, pp. 128–30.

international system.[81] Terrorists are not sovereign, and this refocuses efforts on ensuring that actual sovereigns act legitimately, by denying ability and authority to non-sovereign terrorists. The events of and since 9/11, though they may have shifted the terms of the discussion, have still neither shifted the core of what the discussion is about, nor entirely pushed out its other elements, such as the idea that sovereigns have a 'responsibility to protect'.[82] It is important to emphasise that a fundamental dichotomy is not emerging between 'humanitarian' and 'anti-terrorist'/'anti-proliferation' justifications for intervention. Rather, it is the case that new elements are coming into a single, continuing discussion, as warranted by the changing political context in the real world.[83]

It would be a hollow victory indeed for normative IR if the subfield were to be reoriented toward a debate about sovereignty and its legitimate exercise, but if the international system's most powerful member had the ability to mould international norms to its particular interests, determining whose sovereignty is legitimate and whose sovereignty is not. It is important to recognise that more powerful countries might indeed have a greater ability than others to affect the terms of international normative discourse, but not the parallel ability to arrive at definitive answers. Power can play a dominant role in determining where the boundaries of debate *are*, though not necessarily where they *ought to be*.

Conclusion

The Twenty Years' Crisis does not glorify power; it indicates a need to understand it. Realism itself can expose when the particular interests of the powerful are being cloaked in a way that correspond rhetorically, but not actually, to the thin stock of commonly held ideas that Carr calls 'international morality', and that I have defended more specifically as the boundaries of legitimate sovereign action. In a sense, Krasner's analysis in *Sovereignty: Organized Hypocrisy* helps one to do this in today's context, by pointing out that the rules and norms that had been frequently associated with sovereignty cannot be taken as ontologically real structures that affect state action, because states, especially the powerful ones, do not always follow those rules. However, Krasner does not see that it is neither the 'brute facts' (such as territorial autonomy) nor the 'rules' (such as non-intervention) – but rather, it is the 'institutional facts' of the international system – which are the descriptive aspects of sovereignty that can be treated as ontologically real. The international system is a system of sovereign states. This is neither an hypocrisy, nor a normative statement

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[81] Barak Mendelsohn, 'Sovereignty Under Attack: The International Society Meets the Al Qaeda Network', *Review of International Studies*, 31 (2005), pp. 45–68; Robert O. Keohane, 'The Public Delegitimation of Terrorism and Coalition Politics', in Ken Booth and Tim Dunne (eds.), *Worlds in Collision: Terror and the Future of Global Order* (Basingstoke: Palgrave, 2002), pp. 141–51.

[82] ICISS, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001).

[83] This entire analysis should not be misunderstood as though it suggested that sovereign states are the only agents that have duties in the international system. Sovereignty is a language that picks out a class of sovereign agents and allows one to discuss their duties 'as sovereigns'. It does not follow from this that non-sovereign agents have no important or relevant duties. Indeed, an analysis of the duties of non-state actors in a system in which sovereignty is an important institutional fact is an avenue for interesting future research.

prescribing the institution's continuance or cessation; it is an institutional fact, and a valuable starting point for a normative discussion about the boundaries of legitimate sovereign action. This entire picture of the relationship between the descriptive and normative aspects of the concept of 'sovereignty' provides a better framework within which normative IR discussion can take place than the 1990s picture of opposing principles and eroding sovereignty was able to generate.

Where the dominant opinions about international morality *are* is not always where they *ought to be*; this is why the planes of utopia and reality, in the case of sovereignty, can never meet, and are both important. Taken together, they provide a sound, reasonable, and contestable picture of what sovereign entities, once so constituted, ought to do.

Those who take a 'realist' approach to international relations pride themselves on generating knowledge about the way the world is: about what is importantly real. The 'real world', as it turns out, contains both normative and descriptive elements. It is a world that encompasses ideas and institutions, missiles and multinationals, people and power. The realist piece of the IR puzzle, the piece that represents 'the way the world is' rather than the way it ought to be, is larger in *absolute* terms and smaller in *proportional* terms than contemporary realists typically think. It is larger in absolute terms because it encompasses bits of social reality that are typically dismissed as ideas. For example, 'sovereignty', which cannot be seen and felt like a table or a chair, is real because of shared human beliefs and knowledge; sovereignty exists as an institutional fact. A realist analysis can ask both constitutive and causal questions about a real world whose ontology is not predetermined by the types of questions we ask about it.

The realist piece is smaller in proportional terms because 'the way the world is' is not the beginning and end of a complete analysis of political questions. Ideas straddle the divide between the way the world is and the way it ought to be. Modern technology allows human agents to change some aspects of the physical world (for example, we can enrich uranium) and not others (for example, we cannot travel back in time), due to the way that the physical world is constituted. By analogy, the social world can be relatively easier, or relatively more difficult, for human agents to change. Discussions about whether there are any principles or values that can help a society to decide whether it ought to put finite resources into enriching uranium, or into 'promoting peace', are valuable to have. What values or goals, if any, are worth the time, effort, resources, labour, and human lives that it may take to attain them? What can 'sovereigns', so constituted, legitimately do? Ideas that clarify these answers can, as with technological discoveries in the physical sciences, actually change an analysis of costs and benefits. They can make certain goals easier or more difficult to reach, and they can enable the possibility of reaching certain goals at all.

Carr thought that utopian ideas were dangerous not because they are irrelevant, but because they are powerful. They can help make the world a better place, but they can also precipitate World Wars. From the fact that human agents can sometimes change the social world, it does not follow that the world's ontology is such that we *can* do what we intend to do; and neither does it follow that we *ought to* do what we intend to do. This article has used sovereignty as a concrete example to illustrate how these two types of questions (descriptive and normative respectively) and their answers, though separate, interpenetrate, and are both important.

If we humans are actively to use our agency to improve the world, then we need to understand that the descriptive and normative aspects of the world, and of the concepts that help us to make sense of that world, exist separately, but in a tense and entangled relationship. Although it would be premature to conclude that analyses of all IR issues should mimic the analysis of sovereignty undertaken here – separating descriptive issues from normative issues before moving on to explore whether and how they interrelate – one thing at least is certain. One should be sceptical of particular analyses and general theories that provide easy, closed resolutions to these difficult tensions, which are much more illuminating when treated as open, important, and unsettled.