Theories of international regimes

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2 Conceptual issues: defining international regimes

More than a decade ago, Susan Strange (1983) directed a volley of criticisms against the study of international regimes, which has earned her the status of the almost ritually cited radical critic of this research program. One of the reasons why she saw regime analysis doomed to failure was the "imprecision" and "woolliness" of the concept of international regime. Much of the scholarly discussion revolving around this concept, she suspected, was attributable to the fact that "people mean different things when they use it" (Strange 1983: 343). Doubts about the utility of the concept in its present form have not been confined to radical critics, though. Scholars much more favorable to the study of regimes such as Friedrich Kratochwil and John Gerard Ruggie (1986: 763) have conceded Strange's point and called for efforts at conceptual development. Oran Young (1989a: 9) went so far as to complain that "the whole enterprise of regime analysis continues to rest on a shaky foundation," explaining that "[t]he concept of a regime itself is often used so loosely that critics have reasonably questioned whether the concept is anything but a woolly notion likely to produce more confusion than illumination." Hence, it comes as no surprise that during the last decade several attempts have been made to clarify, modify, or even supplant the so-called *consensus definition* of the term "international regime," which Strange had in mind when she formulated her skepticism concerning the regime concept. It is useful briefly to review this discussion in order to assess the extent to which the conceptual criticism made by Strange and others is still justified (if it ever was).

The consensus definition of "international regime" (which we have already cited at the beginning of chapter 1) was one of the results of a conference convened to prepare the 1982 special issue of *International Organization* on international regimes and it was later elaborated by

Stephen Krasner in his introductory essay to the same issue.[1] According to Krasner (1983c: 2; see also 1985: 4f.), regimes are

> implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice.

The international regime for the prevention of nuclear proliferation may serve to illustrate this definition (Müller 1989: 282–90; 1993a: 135–43; see also Smith 1987). This regime can be regarded as resting upon four *principles*:

(1) a principle which links the proliferation of nuclear weapons to a higher likelihood of nuclear war
(2) a principle that acknowledges the compatibility of a multilateral nuclear non-proliferation policy with the continuation and even the spread of the use of atomic energy for peaceful purposes
(3) a principle stating a connection between horizontal and vertical nuclear proliferation (i.e. the notion that in the long run the proliferation of nuclear weapons can only be halted if the nuclear powers are ready to reduce their nuclear arsenals)
(4) a principle of verification.

A variety of *norms* serve to guide the behavior of regime members in such a way as to produce collective outcomes which are in harmony with the goals and shared convictions that are specified in the regime principles. In the case at hand, Harald Müller (1989: 283f.) identifies nine such norms, including the obligation of non-nuclear weapon states to refrain from producing or acquiring nuclear weapons, the obligation of all members not to assist non-nuclear weapon states in the production or acquisition of nuclear weapons, and the obligation of nuclear weapon states to enter into serious negotiations with the purpose of concluding nuclear disarmament treaties. A host of more specific *rules* convert the regime norms into concrete prescriptions or proscriptions, whereby the

[1] Bringing together a group of excellent scholars of different theoretical orientations, this impressive collection of papers, which was later published as a book (Krasner 1983a), has had a tremendous influence on the ensuing debate and is still worth studying today. Other important pioneering works in the study of regimes include Ruggie (1975), E. Haas (1975; 1980), Keohane and Nye (1977), and Young (1980).

rule-density (i.e. the number and specificity of rules that concretize a given norm) varies considerably by regime norm. Thus, the norms pertaining to nuclear exports and verification have given rise to very detailed regulations, which make it possible (at least in principle) to distinguish clearly between compliant and non-compliant behavior on the part of the member states. Other norms, however, particularly those that create obligations specifically for nuclear powers, remain vague owing to the failure of regime members to reach agreement on corresponding rules (e.g. rules regarding time-frames for disarmament). Finally, various types of *procedures* form an integral part of the non-proliferation regime, e.g. procedures for the collective review and revision of provisions of the Nuclear Non-proliferation Treaty (NPT). While this treaty forms the normative backbone of the regime, it must not be equated with the regime as such. Various other documents (formal and informal ones), including the London Suppliers' Guidelines, the Statute of the International Atomic Energy Agency (IAEA), the safeguard rules in INFCIRC/66 and /153, and the Tlatelolco and Rarotonga Treaties, spell out injunctions which, together with the NPT, constitute the content of the nuclear non-proliferation regime (Müller 1993b: 362).[2]

Before turning to some of the difficulties Krasner's definition has given rise to, it is worthwhile emphasizing two uncontroversial, yet important implications. First, international regimes are international institutions and should be studied as such (e.g. Keohane 1984: 57; 1989c: 3f.; Young 1986: 107). Second, the terms "international regime" and "international organization" are neither synonymous (i.e. have the same meaning) nor co-extensional (i.e. refer to the same entities), even though in many cases regimes will be accompanied by organizations designed or employed to support them in various ways (e.g. Young 1989a: 25–7). In the non-proliferation case for example, the IAEA has such a part, helping the member states, as it does, to put the verification principle into practice. Perhaps the most fundamental difference between regimes and organizations – both of which can be seen as

[2] It is fairly common among students of regimes to treat a particular agreement (or sequence of agreements) as the one "authoritative" source for the normative content of the regime under study. Thus, the ozone regime is defined by the Vienna Convention and the subsequent protocols, the Berlin regime by the Quadripartite Agreement, etc. But this practice is neither required or suggested by the definition of "regime" nor always appropriate. Indeed, as Müller (1989: 282) emphasizes, one of the advantages of the regime concept is that it calls upon scholars to go beyond treaty analysis and to envisage a "functional whole" which may be composed of a rather heterogeneous set of (formal and informal) agreements, practices, and institutions.

representing a type of international institution (Keohane 1989c: 3f.) – lies in the fact that regimes, being no more than sets of principles, norms, rules, and procedures accepted by states, do not possess the capacity to act, whereas organizations can respond to events (even when their political leeway, more often than not, is tightly circumscribed) (Keohane 1988: 384, n. 2). Moreover, as is most obviously exemplified by the United Nations, the sphere of activity of an international organization need not be restricted to a particular issue-area of international relations, whereas regimes are issue-specific institutions by definition. These analytical distinctions notwithstanding, regime theorists have warned against artificially separating the scholarly study of regimes from research on formal international organizations (Kratochwil and Ruggie 1986: 771–4). In fact, as will become obvious in the next chapter, some of the functions ascribed to regimes, e.g. collecting and disseminating information, can hardly be performed without the aid of some organizational structure embedded in the regime.

For all its alleged flaws, the consensus definition has significantly promoted research by providing practitioners of regime analysis with a valuable analytical tool or, at the very least, a salient, non-arbitrary point of departure for further specifying their object of study. At the same time, researchers could not help noticing a discomforting degree of vagueness associated with various elements of this definition, which might inhibit the cumulation of knowledge about regimes in the long run. Two aspects of this problem, in particular, have received attention among regime analysts and have prompted different and, in part, quite radical suggestions for conceptual revision. The *first* one concerns the precise meaning and the mutual relationship of the four regime components: what criteria do students of regimes have for distinguishing principles, norms, rules, and procedures of a regime reliably? And why is it that we need such a relatively complex construct at all? The *second*, more fundamental, problem of interpretation arises from the phrase "around which actors' expectations converge" and amounts to the question of when we may say that a rule (or any other regime component) *exists* in a given issue-area. The rest of this chapter is devoted to a consideration of these two problems.

A complex and a lean definition of "international regime"

In a review article, Young (1986: 106) criticized Krasner's definition of the term "international regime" on three counts: (1) The definition is

"really only a list of elements that are hard to differentiate conceptually and that often overlap in real-world situations." (2) It "exhibits a disconcerting elasticity when applied to the real world of international relations." (3) It is "conceptually thin" in that it fails to "tie the concept into . . . [some] larger system of ideas that would help to solve the . . . ambiguities [inherent in the definition] . . ., and that would offer guidance in formulating key questions and hypotheses regarding international regimes." Leaving aside Young's third point for a moment, this criticism reflects a dissatisfaction with the consensus definition that has been expressed now and again by students of regimes and commentators on regime analysis (Haggard and Simmons 1987: 493f.): the definition, even when Krasner's careful explication is taken into account, does not seem to be precise enough to preclude fruitless disputes about the proper description of any given regime (the content of its principles, norms, etc.).

Consequently, some have suggested dropping the consensus definition altogether and replacing it by a more straightforward formulation, which would be less amenable to divergent interpretations. At one point, Robert Keohane (1989c: 4) defined the concept of regime as follows: "Regimes are institutions with explicit rules, agreed upon by governments, that pertain to particular sets of issues in international relations." Thus, the complex apparatus of principles, norms, rules, and procedures collapses into the single concept of rules. Scholars are relieved of the burden of justifying their decision to call a given injunction a "norm" rather than a "rule" (or perhaps even a "principle") of the regime concerned.

While the pragmatic gains of this move are obvious, it also involves costs which should not be overlooked. Not only does the consensus definition, by its very complexity, encourage the analyst to reflect thoroughly upon the mutual relationship of the various injunctions ("rules" in Keohane's terminology) in the issue-area in question, it also forces a certain structure upon descriptions of regimes, thus making comparison across issue-areas easier, which, in turn, is a prerequisite for inductive theory-building.[3] Last but not least, the hierarchy of regime components implied in the consensus definition had enabled Krasner

[3] This is not to say that accumulating empirical generalizations is the most promising, or even a viable, strategy of theory-building. Waltz (1979: ch. 1) and Dessler (1991) have provided good reasons to doubt this. On the other hand, many students of international relations do proceed that way, and it would be somewhat bold to claim that all of their results are worthless just because they do not add up to theory.

(1983c: 3f.) to categorize two kinds of regime change and, at the same time, specify the identity conditions of a regime in terms of these components: only if principles or norms are altered does a *change of the regime* itself take place; all other changes in regime content are *changes within a regime*. No such strategy is available to those who adopt Keohane's "lean" definition. It is therefore not surprising that the consensus definition has never run out of supporters.[4]

But what about Young's third point, the alleged "conceptual thinness" of the definition? The requirement of (sufficient) conceptual thickness can be understood as reflecting the view that no satisfactory definition of a social phenomenon can be formed independently of any theory about this phenomenon. This view is not uncommon in international relations theory. Kenneth Waltz (1979: 11) endorses it when, discussing the difficulties of defining the concept of power, he emphatically argues that "the question of meaning . . . [is] a problem that can be solved only through the articulation and refinement of theories." And Arthur Stein (1983: 115) applies it explicitly to the phenomenon under consideration, when he advocates a "theoretically rooted" conceptualization of regimes. Indeed, not only does there seem to be much truth in this view, it also has important consequences for the nature of our problem. Most significantly, it implies that we would be mistaken to think that we could *begin* research by devising a "valid" definition of "regime" that could not and should not be altered throughout the subsequent process of theory-building. Thus, in the absence of a well-articulated and highly developed theory of international regimes, all that we can reasonably be looking for is an appropriate *working definition*.

The question, then, is which of the two definitions we have discussed so far, the complex or the lean one, is preferable in this respect. The debate that we have just brought into focus suggests that unanimity may be very hard to achieve on this issue. But there is no reason to assume that progress in the study of regimes is seriously hampered

[4] For more or less explicit defenses of the definition and, more specifically, its four-part structure see Zacher (1987: 175–7; 1996: 13f.), Kohler-Koch (1989b: sect. 3), and Müller (1993a: ch. 3; 1994: 28f.). A quite substantial modification, which, however, still preserves the four regime components introduced by the consensus definition, is Aggarwal's (1985: 18–20) distinction between "meta-regimes" (principles and norms) and "regimes" (rules and procedures). German students of regimes, in their comparatively extensive empirical work, have generally found it useful to rely on the consensus definition for identifying their unit of analysis (Kohler-Koch 1989a; Rittberger 1990b; List 1991; Wolf 1991; Zürn 1992: ch. 3; Müller 1993a; Schrogl 1993).

until a new consensus has been established. On the one hand, the differences between the two definitions do not seem to be substantial enough to warrant suspicion that two students of regimes will talk at cross-purposes simply because one adheres to the complex definition and the other to the lean one. (Here we neglect the fact that Keohane wants to take into account only explicit rules, whereas Krasner's definition encompasses both explicit and implicit principles, norms, rules, and procedures – an issue which we are going to return to shortly.) On the other hand, in the longer run, the breakdown of the consensus, far from damaging the cause of regime analysis, may even lead to a better understanding of the nature and workings of regimes, provided that proponents of the complex definition take up the challenge of Keohane, Young, and others by doing two things: first, demonstrate that the four components can indeed be distinguished with reasonable precision, and second, come up with theoretical and/or empirical arguments to show that the complex structure makes an empirical difference as well, that – for example, in terms of effectiveness or resilience – full-blown "complex regimes" are indeed different from truncated "semi-regimes" which meet the requirements of the lean definition only.

Behavioral, cognitive, and formal approaches to conceptualizing international regimes

The value of the complex definition relative to its lean alternative has not been the only conceptual issue to divide students of regimes, however. Whether international regimes are best conceptualized as complex or simple regulatory structures, the question remains what it means for such a structure to exist in the first place. The vague reference Krasner's formulation makes to "actors' converging expectations" could not have settled this issue. Nor has the widely shared commitment to the view that regimes are social institutions proven able to secure easy agreement on that matter. In the ensuing debate three distinct positions have emerged, arguing that regimes are best conceptualized in (1) behavioral, (2) cognitive, or (3) formal terms, respectively.

(1) For Young (1989a: 12f.), social institutions are "practices consisting of recognized roles linked together by clusters of rules or conventions governing relations among the occupants of these roles." Consequently, he opts for a "behavioral approach to the empirical identification of regimes" (Young 1989a: 13, n. 5). This understanding of the nature of

institutions in general and regimes in particular has various implications. For one thing, no rule (whatever the basis of its existence) can be said to be part of a regime that does not shape the behavior of its addressees, at least to some degree, thus warranting the talk of a practice, i.e. a pattern of rule-governed behavior (Rawls 1955: 3, n. 1). In other words, if the "effectiveness" of a rule is defined technically as the extent to which the behavior of those subject to the rule conforms to it (Nollkaemper 1992: 49), the rules of regimes, by definition, are not ineffective. Since a social practice can coexist with a considerable measure of deviation, however, it does not follow that compliance must be perfect for a regime to be in place. Another implication of this approach is that the rules that govern practices and form part of regimes need not be formally stated, nor do they need to be stated at all (i.e. it is possible to think of *implicit regimes*). Moreover, even where a formal agreement has been concluded to deal with the issues in question, it is often misleading to simply equate the content of the regime with the terms of this agreement (Young 1989a: 15, n. 11).[5]

Other authors have taken a similar stance. Mark Zacher (1987: 174), for instance, suggests that the actual behavior of states is an essential criterion when it comes to establishing whether certain injunctions are accepted in an issue-area. In accordance with Young and other proponents of the behavioral approach to operationalizing regimes, Zacher perceives no need for requiring that all behavior conform to the prescriptions and proscriptions of the regime all the time. But

> occurrences of major or long-term noncompliance, particularly involving participation of or support by major actors in the system, bring into question the efficacy of regime injunctions. We must doubt the effectiveness of behavioral guidelines if glaring violations are allowed to persist[6] or if states tend to violate norms and rules on those few occasions when they would benefit from doing so. This view of the *preconditions for regime injunction* reflects that of international legal scholars on the preconditions for the existence of international customary law. [emphasis added]

[5] Young does not explictly refer to "implicit" or "tacit" regimes in this context, but we hold that the possibility of such regimes, which had also been accepted by the creators of the consensus definition, is implied by his "behavioral approach." For the distinction between informal and implicit rules see Kratochwil (1993a: sect. 3).

[6] In Axelrod's (1986: 1097) explication of the concept of norm, sanctioning behavior is brought to the fore: "A norm exists in a given social setting to the extent that individuals usually act in a certain way and are often punished when seen not to be acting this way."

Thus, the "effectiveness of behavioral guidelines," for Zacher, is not merely a contingent (empirical) property of regimes but part of their very nature. Similarly, Klaus Dieter Wolf and Michael Zürn (1986: 204f.) have suggested clarifying (or developing) the consensus definition by adding the attribute of rule-effectiveness (see also Rittberger and Zürn 1990: 16; Rittberger 1990a: 3).

(2) In their review of the study of international organization, Kratochwil and Ruggie (1986) adopted a different approach, one which may be called "cognitive" and which is characterized by a shift of emphasis away from "overt behavior" to intersubjective meaning and shared understandings. In fact, they reject a focus on compliance in assessing the existence and impact of norms and rules, arguing that "norms are counterfactually valid" (Kratochwil and Ruggie 1986: 767). As we have noted, proponents of a "behavioral approach" are aware of this. But their solution – requiring less than perfect compliance for a regime to exist – must appear insufficient from a point of view such as Kratochwil and Ruggie's. More significant than the fact of a rule having been violated is how such an incident is interpreted by the other members of the community (which is, in this case, a community of states), and the *communicative action* (reproaches, excuses, justifications, etc.) that it gives rise to. Kratochwil and Ruggie (1986: 766) do not deny that studying these phenomena requires an epistemology different from the one favored by mainstream regime analysts, one that is less positivist in orientation and much more open to the *Verstehen* school in the meta-theory of the social sciences.[7] Indeed, one of their central theses is that the current "practice of regime analysis is wracked by epistemological anomalies" (Kratochwil and Ruggie 1986: 764). Most fundamentally, students of regimes have failed to take seriously some salient implications of the consensus definition:

> International regimes are commonly defined as social institutions around which expectations converge in international issue-areas. The emphasis on convergent expectations as the constitutive basis of regimes gives regimes an inescapable intersubjective quality. It follows that we *know* regimes by their principled and shared understandings of desirable and acceptable forms of social behavior. Hence, the ontology of regimes rests upon a strong element of intersubjectivity. (Kratochwil and Ruggie 1986: 764)

[7] For an accessible description of this meta-theoretical stance see Hollis and Smith (1990: ch. 4); the classical analysis of the *Verstehen* approach in the social sciences is, of course, Weber's (1949 [1904]: 49–112).

Since the epistemology of positivism rests upon a "radical separation of subject and object"[8] and mainstream regime analysis is committed to it, regime analysis suffers from a serious cognitive dissonance, as it were: "epistemology fundamentally contradicts ontology."

(3) In a recent article, Keohane (1993a: 26–9) has subjected both approaches to conceptualizing the existence of regimes, the one stressing behavior as well as the one stressing intersubjective understandings and communicative action, to sharp criticism. In opposition to both of these "'thick' substantive definitions," he advocates a definition of "regime" that is more on the formal side, conceptualizing regimes primarily (but not exclusively) in terms of explicit rules, agreed upon by actors and pertaining to a specific issue-area in international relations.

Unlike the proponents of substantive definitions, Keohane (1993a: 27) rejects outright the notion of implicit regimes, which invites the logical fallacy of first identifying "regimes on the basis of observed behaviour, and then . . . [using] them to 'explain' observed behaviour." Thus, he endorses an observation, already made by Haggard and Simmons (1987: 494), that "[f]ocusing on 'implicit regimes' . . . begs the question of the extent to which state behavior is, in fact, rule-governed." Even when tacit regimes are not considered, however, requiring a measure of "effectiveness" for a regime to exist, as is characteristic of the behavioral approach, is highly problematic, as it amounts to inverting "the usual order of scientific investigation, in which description, and descriptive inference, precede explanation." This oddity is especially troublesome, because causal inference in International Relations is notoriously difficult. As a result, there is a considerable risk of investigators being "forever stuck at the first level: identifying the phenomenon to be studied" (Keohane 1993a: 28).

The cognitive approach as favored by Kratochwil and Ruggie faces equally daunting difficulties. Again, Keohane's (1993a: 27) point is a methodological one:

> [I]t is enormously difficult, indeed ultimately impossible, to determine "principled and shared understandings." To what extent principled, to what extent shared? How are we to enter into the minds of human beings to determine this? And which human beings will count? Even if we could devise a way to assess convergent expectations

[8] For a classic argument for why the essence of communicative action must escape a purely positivist approach see Searle (1969: ch. 2, especially 50–3).

> intersubjectively, what standard of convergence would we require to determine that a regime existed?

These criticisms of substantive approaches to conceptualizing regimes are certainly serious. But are they fatal as well? As to the *behavioral approach*, Keohane's argument can be weakened, though probably not refuted altogether by pointing out that "effectiveness" in this context is best understood as the degree of compliance with given rules, the assessment of which may often be difficult due to data problems, but does *not* require causal inference. (In practice this means that one has to focus on explicit regimes, as the rules of tacit regimes are usually not "given.") Keohane is right, however, in observing that a behavioral approach precludes an explanation in regime terms of the observable regularity in behavior. Valid scientific explanations are logical inferences, the premises of which include at least one *empirical* hypothesis (see also sect. 5.2 below). If, however, the term "regime" is defined behaviorally, the corresponding general statement in such an "explanation" of a given pattern of behavior is not empirical, but *analytic* (i.e. a tautology): given a behavioral understanding of regimes, the statement: "if a regime exists in the issue-area, states tend to act in accordance with its injunctions" is true by definition.

It does not follow, though, that a behavioral concept of regime is useless for social scientific purposes. On the one hand, the question can still be posed, and appears more significant than ever, of how (and when) regimes – understood as practices consistent with explicit rules – come about. On the other hand, patterned behavior is not the only dependent variable of interest in a regime-analytical research context. Others include regime robustness, the extent to which the regime attains the purposes for which it has been established (e.g. enhancing the overall welfare of the participants or improving environmental quality in a specific region), changes in the issue-area specific capabilities of regime members (and outsiders), and civilizing effects on the overall relationship of regime members (Krasner 1983b: 359–67; Mayer, Rittberger, and Zürn 1993: 424; Hasenclever, Mayer, and Rittberger 1996). None of these intriguing questions, however, is removed from the regime-analytical agenda simply because a behavioral approach to conceptualizing regimes has been adopted.

As to the *cognitive approach*, Keohane's criticism may overstate the concomitant data problems. A focus on communicative action no more requires the researcher to "enter into the minds of human beings" than

successful communication is dependent on some mystical ability on the part of those exchanging messages and performing speech acts to do so. Communication is based on the knowledge of public rules, not on mutual access to private sensations or mental states. "Understanding rule-following differs from an exercise of empathy" (Kratochwil 1984: 706). Similarly, the validity of certain performative acts such as promising or contracting is only loosely connected to the actors' "thoughts and feelings" while performing these acts (Austin 1975: ch. 2). This is not to say that the phenomena to which Kratochwil and Ruggie draw attention are readily investigated within a positivist framework. Kratochwil and Ruggie are the first to deny this. Therefore, to the extent that objections to their approach presuppose the standards of this methodology (as at least the tenor of Keohane's criticism seems to do), they are merely begging the question as to how international regimes and, more generally, international norms are best studied. As we have already indicated in the introductory chapter, this question is a central issue in the ongoing debate between neoliberalism and strong cognitivism – a debate in which, consequently, we find Keohane and Kratochwil and Ruggie on opposite sides (see sect. 5.2 below).

Finally, the disadvantages of the alternative: a purely *formal conceptualization*, which equates regimes with explicit (issue-area specific) agreements, must not be overlooked. One problem with this solution is that it is not well attuned to the conceptual and theoretical linking up of regime analysis with the study of social institutions which is now taken for granted by most students of regimes. Rules written down on a piece of paper do not constitute social institutions, nor do (particular) promises or contracts (even though both promising and contracting *are* social institutions). While inter-state agreements may frequently help *bring about* rule-governed practices and thus social institutions,[9] there is no logically necessary connection between agreements and institutions. Of course, nothing in the term "regime" forces us to use it to refer to a social institution. On the other hand, as we have noted, it has become almost a commonplace among students of regimes that regimes *are* institutions, and therefore, unless one is

[9] As Wendt and Duvall (1989: 63) have pointed out, institutions and practices are co-determined: "all practices presuppose institutions (otherwise they would be mere 'behaviors' rather than 'practices'), and all institutions presuppose practices (otherwise they would not exist at all)."

willing to bear the risk of considerable linguistic and intellectual confusion, sooner or later, either this usage has to be explicitly rejected (and eventually abandoned) or the definition of regime has to be made to conform to it.

It may be objected that the use of the word "institution" is less homogeneous than we are assuming, and indeed Keohane's (1989c: 3) own definition of "institution," stipulating that institutions are "persistent and connected sets of rules (formal and informal) that prescribe behavioral roles, constrain activity, and shape expectations," makes no overt reference to actual behavior. Yet even this formulation can hardly legitimize a purely formal conceptualization of regimes. The following consideration may show this. It is not unusual even for agreed-upon rules to become obsolete sometime, even though they have never been explicitly suspended. New technologies and material opportunities may undermine existing institutions, leading to new social practices. (The rule that marriage is for life – "till death us do part" – may be a case in point.) Under such circumstances these rules will no longer shape actors' expectations, *even though they could still be rules of an existing regime* (as long as we assume a formal understanding of this term). Thus, even in Keohane's own terms and contrary to his explicit conceptual intentions, it would seem to be *not* necessary for (formally defined) regimes to be institutions.

Difficulties such as these may have led Keohane (1993a: 28) to amend his preferred definition of "regime" by adding "thin" substantive content. He now proposes defining

> *agreements* in purely formal terms (explicit rules agreed upon by more than one state) and . . . [considering] *regimes* as arising when states recognize these agreements as having continuing validity. . . . [A] set of rules need not be "effective" to qualify as a regime, but it must be recognized as continuing to exist. Using this definition, regimes can be identified by the existence of explicit rules that are referred to in an affirmative manner by governments, even if they are not necessarily scrupulously observed.

Ironically, this definition does not seem to differ all that much from Kratochwil and Ruggie's cognitive approach. Performative acts such as accusing a government of violating certain rules, justifying one's behavior in terms of higher-order rules, or even apologizing for a breach of certain rules, which are the primary material of this approach, all involve references, made "in an affirmative manner," to rules and thus

are the kind of data that are also needed for identifying regimes in terms of this modified formal definition.[10]

Concluding remarks

As our discussion has shown, choice among these various approaches to conceptualizing the existence of a regime is less than straightforward. Differing research objectives and strategies, incongruent conceptual schemes, and divergent epistemological stances on the part of students of regimes may make universal agreement unlikely. As always in such cases, much will depend on scholars being clear and explicit about their usage. Unfortunately, theories of regimes are often not sufficiently definite (let alone explicit) as to which approach to conceptualizing regimes they opt for. It is probably fair to say, though, that interest-based and power-based theories lean toward either a formal or, less frequently, a behavioral approach, whereas knowledge-based theories, not surprisingly, favor a cognitive definition of regime. If, as seems to be the case, the formal approach (whether or not enriched by "thin substantive content") enjoys the approval of a majority of scholars in the field today, this is largely for pragmatic reasons. This approach is not burdened with the problem of defining a threshold of compliance (or convergence of expectations) separating regime from non-regime situations. Moreover, it directs research squarely to the question of what it is that accounts for variation in the effectiveness of agreed-upon rules. To be sure, the notion of implicit regimes drops out, but this is perhaps not too great a loss for regime analysis given the notorious difficulties involved in establishing the existence of such phenomena in concrete cases. Finally, downplaying behavioral aspects in the concept of regime does not preclude studying regimes under an institutionalist perspective, even if it had to be conceded that regimes *per se* do not constitute social institutions: the task then would become one of determining when and how regimes as agreements can form the basis of international institutions.

[10] A formulation very similar to Keohane's modified formal definition of "regime" is Rittberger's (1993b: 10f.). This similarity is not coincidental, but resulted from extended discussions among proponents of different approaches to operationalizing regimes, which were consciously conducted with the view to re-establish a consensus on this central issue. As we shall see in the next chapter, parts of this revised definition are not unproblematic, either, especially when used in the context of Keohane's contractual theory of regimes.

Has this discussion demonstrated that Strange's rejection of the concept of regime as "woolly" and "imprecise" was unfounded? Perhaps not altogether so. But the arbitrariness involved in the use of this concept certainly is much smaller than she suggested. Moreover, as Kratochwil and Ruggie (1986: 764f.) have reminded us, the concept of regime shares this fate of being contested with many other, more famous social science concepts, including concepts, such as "power" and "state," which are fairly close to the hearts of many radical critics of regime analysis (see also Müller 1989: 290). As indicated above, we believe that, ultimately, the best hope for overcoming arbitrariness and ambiguity in definitional matters lies in the development of strong theories. In the following three chapters we take stock of neoliberal, realist, and cognitivist approaches to constructing such theories.