

---

## Toward a Foucauldian analysis of international regimes James F. Keeley

---

International regimes have become a significant focus in the study of international relations. Stephen Krasner's frequently cited definition directs us to

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 for action. Decision-making procedures are prevailing practices for making and implementing collective choice.<sup>1</sup>

These elements imply a community among international actors, if only *une société malgré elle*. If such a focus on communities can be sustained, it will mark a fundamental analytic shift in the discipline of international relations, providing a plausible alternative to a Hobbesian "state of nature" as a theoretical base.

The success of regime theory seems to be linked in particular to a liberal regime analysis, although there are also realist approaches. Liberalism appears to provide the most developed alternative to realism, giving greater leverage on the phenomenon of community. Its analytic devices, derived from liberal economics and game theory and based on rational actors pursuing their interests under non-zero-sum conditions, demonstrate both the possibilities for mutual benefit from and the problems of coordination. It is

For their comments on earlier drafts, I thank David Haglund, Michael Hawse, John Young, and their colleagues at Queen's University; Mark Zacher; Kal Holsti; Oran Young; Barry Cooper; Guy LaForest; Michael Kaduck; Sheila Singh; and the reviewers.

1. Stephen D. Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables," in Stephen D. Krasner, ed., *International Regimes* (Ithaca, N.Y.: Cornell University Press, 1983), p. 2.

*International Organization* 44, 1, Winter 1990

© 1990 by the World Peace Foundation and the Massachusetts Institute of Technology

attractive because of its rigorous analysis and interesting predictions as well as its prescriptive applications.

But there are problems with a liberal approach. It assumes and depends on a specific sense of a regime as a community and is therefore limited by this assumption. It encourages us to regard regimes as benevolent, voluntary, cooperative, and thus legitimate associations—as desirable as well as important phenomena. This applies above all to regimes founded on liberal principles. Thus, a liberal regime theory could fail doubly: first, analytically, because its assumptions, however theoretically useful, restrict the regime concept in ways that lose a full sense of the world as contestable and contested;<sup>2</sup> and second, ideologically, because its assumptions and its prescriptions make it a language of apology or justification, a form of special pleading by and for the powerful and satisfied.<sup>3</sup>

These problems may lead us to reject a liberal analysis, but we are not thereby logically committed to rejecting the idea of regimes as such; it may be possible to read regime concepts in nonliberal ways that are not merely a return to usual realist approaches. One goal of such a nonliberal analysis would be to put more distance between a theory of regimes on the one hand and prescriptive analyses of or claims made for particular regimes on the other.<sup>4</sup> The treatment of disputes over the definition, character, and legitimacy of regimes as fundamental to the concept itself, a focus on contestation as an essential element of any theory of regimes, is central to such an approach.

The works of Michel Foucault which culminate in the concept of “power/knowledge” may provide a basis for this endeavor.<sup>5</sup> Although Fou-

2. On the concept of contestability, see W. B. Gallie, “Essentially Contested Concepts,” *Proceedings of the Aristotelian Society* 56 (1955–56), pp. 167–98. For a recent critique, see Christine Swanton, “On the ‘Essential Contestedness’ of Political Concepts,” *Ethics* 95 (July 1985), pp. 811–27.

3. Susan Strange argues that the regime concept has been developed in a way that “tends to exclude hidden agendas and to leave unheard or unheeded complaints, whether they come from the underprivileged, the disenfranchised or the unborn, about the way the system works.” She suggests that “government, rulership, and authority are the essence of the word [‘regime’], not consensus, nor justice, nor efficiency in administration.” Strange also notes the dominance of American concerns, experiences, and perceptions in the regime literature. See Susan Strange, “*Cave! Hic Dragones: A Critique of Regime Analysis*,” in Krasner, *International Regimes*, pp. 338 and 344.

4. A total separation may be impossible, but increasing the distance between the two might still have some benefits. On the problem of separating analysis and advocacy, see Charles Taylor, “Neutrality in Political Science,” in his *Philosophical Papers*, vol. 2, *Philosophy and the Human Sciences* (Cambridge: Cambridge University Press, 1985), pp. 58–90.

5. The following works of Michel Foucault are of particular relevance: *Madness and Civilization: A History of Insanity in the Age of Reason* (New York: Random House, 1965); *The Order of Things: An Archaeology of the Human Sciences* (London: Tavistock, 1970); *The Archaeology of Knowledge and the Discourse on Language* (New York: Pantheon Books, 1972); *The Birth of the Clinic: An Archaeology of Medical Perception* (London: Tavistock, 1973); *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1979); *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, edited by C. Gordon (New York: Pantheon Books, 1980); and *The History of Sexuality*, vol. 1, *An Introduction*

cault has occasionally been invoked in discussions of regimes, a detailed development of the implications of his ideas is lacking.<sup>6</sup> While his works initially seem distant from the study of international relations, their relevance becomes clearer if Foucault is approached as an analyst of orders and communities. But Foucault does not present a theory; instead, he provides analytic devices and interpretations. His interpretive approach will not sit easily with positivists. He gives us questions and problems, not answers, and implies a denial that any answers are more than local and temporary.<sup>7</sup> A partisan of disorder and resistance, he attacks all orders and legitimizes none. He uses an alternative lens to clear a space for analyses of orders that take struggle and resistance, rather than cooperation, as their starting point.

What follows does not assume Foucault to be "the master," nor does it attempt a comprehensive interpretation of his work. It does not systematically develop a theory or set of hypotheses but merely suggests possibilities that may encourage further work. It tries to open up, rather than complete, a line of thought. It begins negatively, examining assumptions of the voluntary, benevolent, cooperative, and legitimate character of regimes. It argues that once these are treated as questions and contestable claims, allowing us to stand outside the liberal formulation, we can develop an alternative analysis on the basis of Foucault's work. It closes with an example that applies some aspects of the argument to the realm of nuclear nonproliferation.

## Two empires: regimes, community, and legitimacy

Krasner's definition of international regimes does not logically require but does seem associated with a specific complex of liberal ideas that affects its interpretation: ideas of freely shared judgments freely converging to a consensus. From this it is but a short step to a contractarian perspective rein-

---

(New York: Vintage Books, 1980). For some commentaries on Foucault, see the following: Hubert L. Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: University of Chicago Press, 1983); J. G. Merquior, *Foucault* (Berkeley: University of California Press, 1985); Allan Megill, *Prophets of Extremity: Nietzsche, Heidegger, Foucault, Derrida* (Berkeley: University of California Press, 1985); and David C. Hoy, ed., *Foucault: A Critical Reader* (Oxford: Basil Blackwell, 1986).

6. See, for example, John G. Ruggie, "International Responses to Technology: Concepts and Trends," *International Organization* 29 (Summer 1975), pp. 569–70; Friedrich Kratochwil and John G. Ruggie, "International Organization: A State of the Art on the Art of the State," *International Organization* 40 (Autumn 1986), p. 771, fn 65; and Stephan Haggard and Beth A. Simmons, "Theories of International Regimes," *International Organization* 41 (Summer 1987), p. 500. See also, however, Michael J. Shapiro, G. Matthew Bonham, and Daniel Heradstveit, "A Discursive Practices Approach to Collective Decision-Making," *International Studies Quarterly* 32 (December 1988), pp. 379–419.

7. This quality could account for some aspects of Charles Taylor's unease with Foucault. See his exchange with William E. Connolly, "Michel Foucault: An Exchange," *Political Theory* 13 (August 1985), pp. 365–85.

forced by methodological assumptions of independent and equal actors engaged in rational, self-interested action.<sup>8</sup> Despite general nods in the direction of power differentials, this leads to an interpretation of regimes as broadly voluntary, benevolent, cooperative, and legitimate associations. This may yield a well-developed theory, but it takes both a particular perspective on and a particular case of a phenomenon rather than taking an "objective" perspective on the entire phenomenon.<sup>9</sup> A liberal regime theory is not invalid in its own terms, but these terms are limited as an account of regime phenomena and are not the only terms available, whether to analysts of or especially to actors in regimes.<sup>10</sup>

We can read regime concepts in other ways, with results that may offend liberal sensibilities. We will do this through two examples developed jointly: the Mongol doctrine of empire and the rise of the Athenian Empire. These seem compatible with the explicit terms of the Krasner definition and the words of the liberal analysis, but the argument here deliberately abuses the spirit of the liberal interpretation to demonstrate its limits. It could be argued in response that empires should be excluded from regime analysis, but the reasons for and implications of such an exclusion would themselves be worth examining. Openly imperial structures may raise in their starkest form issues hidden in "informal empires." However, it is not being argued here that regimes are malign rather than benevolent. They simply exist: such loaded terms are properly part of their politics, not of an analytic definition or theory, and a mere reversal of evaluative terms would not represent theoretical progress.

After the sudden and devastating Mongol incursions into Eastern and Central Europe in the thirteenth century, the Pope and the King of France sent emissaries to the Great Khan to seek an explanation and also to explore the possibilities for an alliance against Islam. The response, as interpreted by Eric Voegelin,<sup>11</sup> was a claim to empire and a demand for submission.

8. See, for example, Oran Young's critique, "International Regimes: Toward a New Theory of Institutions," *World Politics* 39 (October 1986), pp. 110–11.

9. Keohane explicitly limits his analysis of economic regimes to First World states in order to explore the problems of cooperation under even apparently relatively favorable conditions. See Robert Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton, N.J.: Princeton University Press, 1984), p. 6. If these states are not the only members of the regimes he studies, this limits his conclusions about regimes as such. Others who might overlook his explicit limits could then be mistaken about the implications of his analysis. Barry argues that while models of economic rationality may be ideologically neutral, their interpretations or applications often are not. See Brian Barry, "Methodology Versus Ideology: The 'Economic' Approach Revisited," in Elinor Ostrom, ed., *Strategies of Political Inquiry* (Beverly Hills, Calif.: Sage, 1982), pp. 123–47.

10. Stein notes that the prisoner's dilemma is not a dilemma for society as a whole. An actor's assessment of a regime—and an analyst's assessment as well—might thus vary considerably with the point of view assumed. See Arthur Stein, "Coordination and Collaboration in an Anarchic World," in Krasner, *International Regimes*, p. 123, fn 16.

11. Eric Voegelin, "The Mongol Order of Submission to European Powers, 1245–1255," *Byzantion* 15 (1941), pp. 378–413. See also Eric Voegelin, *The New Science of Politics: An Introduction* (Chicago: University of Chicago Press, 1952), pp. 56–60.

The Mongols, in his account, argued that they were called upon by God to realize *de facto* a world empire that already existed *de jure*. They were not the equals of other actors but, rather, were superiors, agents of God's will in history. The Mongols explained this mission to other actors but, notes Voegelin,

the reaction to Mongol procedure was not uniform. Some Princes, who had had previously an occasion to watch the striking forces of the Mongol military machine more closely, arrived quickly at an excellent understanding of the revelation. They submitted to all ordinances of the Mongol Imperial Government and preserved a more or less tolerable status within the Empire. Others, unhappily prejudiced in their power of understanding, considered the Mongol embassies and their demands to be the expression of unfounded arrogance and a glaring disregard for their right to independent existence. Occasionally such ill-advised Princes went to the extreme of killing the Mongol ambassadors. Others again, like the Emperor of China and the German Emperor, in spite of having been notified of the Order of God, remained in their mistaken and heretical belief that they were Emperors themselves, and refused to consider the case. . . . In such cases of a regrettable lack of understanding, . . . punitive expeditions had to be undertaken.<sup>12</sup>

Overt claims of divine revelation are no longer favored in some quarters as the basis for a claim of legitimacy. Collective goods analysis, a staple of regime theory, may seem an odd substitute yet may serve the purpose if some implications are overlooked for the sake of ease of analysis. Since burden sharing in alliances was an early area of collective goods analysis in international relations (a point not to be overlooked in the context of this discussion), it is fitting that we turn to an early case described by Thucydides:

[After the defeat of Carystus] Naxos left the League and the Athenians made war on the place. After a siege Naxos was forced back to allegiance. This was the first case when the original constitution of the League was broken and an allied city lost its independence, and the process was continued in the cases of the other allies as various circumstances arose. The chief reasons for these revolts were failures to produce the right amount of tribute or the right numbers of ships, and sometimes a refusal to produce any ships at all. For the Athenians insisted on obligations being exactly met, and made themselves unpopular by bringing the severest pressure to bear on allies who were not used to making sacrifices and did not want to make them. In other ways, too, the Athenians as rulers were no longer as popular as they used to be: they bore more than their fair share of the actual fighting, but this made it all the easier for them to force back into the alliance any state that wanted to leave it.<sup>13</sup>

12. Voegelin, "The Mongol Order," pp. 405–6.

13. Thucydides, *The Peloponnesian War* (Harmondsworth, U.K.: Penguin Books, 1954), pp. 67–68. In "Theories of International Regimes," p. 502, Haggard and Simmons note the rele-

The usual exposition of collective goods theory leads to the "free rider," the actor who desires the good but wishes to avoid paying for it. Regimes may be hampered by free riding, but they also may be devices to solve this problem for the mutual good.<sup>14</sup> This is a view from the supply side, those who provide the good; those who receive the good but do not contribute are morally inferior. It assumes the desirability of the good and the legitimacy of the arrangements for its supply from the perspective of all participants. But not all who receive a collective good may want it: this is the problem of "forced consumption." The set of actors to whom a collective good is supplied is composed, by definition, of the recipients of the good; some may pay, some may free ride, and some may be forced consumers. Whether they share an evaluation of the good or its supply arrangements is only a secondary and an empirical characteristic. A free rider analysis defines the situation by this secondary feature. If it is applied to a case because it is theoretically attractive but without attention to the character of that case, it thereby projects onto that case an a priori interpretation that legitimizes certain conclusions. The standard case thus assumes that people, fish, and sea gulls want clean water in Lake Erie; who asks the scum? While forced consumption might be handled analytically through the device of compensation, this is scarcely an adequate response to the basic political problem it reveals.<sup>15</sup>

Free riding may occur in regimes, but it is by no means the only case worth considering. Nothing in the definition of collective goods requires that such goods necessarily serve the common good or else are common bads. Some applications invite different conclusions. Kenneth Waltz suggests, for example, that "the greater the relative size of a unit the more it identifies its own interest with the interest of the system." The words may be read ironically; Waltz, a realist, seems aware of this.<sup>16</sup> The notion of "defence against help" in security relations between large and small states suggests

---

vance of this case. See also the discussion of taxation systems in Norman Frohlich, Joe A. Oppenheimer, and Oran R. Young, *Political Leadership and Collective Goods* (Princeton, N.J.: Princeton University Press, 1971), especially pp. 62–65; and Daniel Garst, "Thucydides and Neorealism," *International Studies Quarterly* 33 (March 1989), pp. 3–27.

14. Snidal argues that such an interpretation is central to the logic and originality of the theory of hegemonic stability. He also notes the coercive possibilities of the theory. See Duncan Snidal, "The Limits of Hegemonic Stability Theory," *International Organization* 39 (Autumn 1985), especially p. 581, fn 5.

15. See Todd M. Sandler, William Loehr, and John T. Cauley, *The Political Economy of Public Goods and International Cooperation*, vol. 15, book 3 (Denver, Colo.: University of Denver Monograph Series in World Affairs, 1978), p. 41, in which the authors briefly note the possibility of compensation; it might also appear in the form of the possibility of side-payments. Snidal's treatment of coercive hegemonic stability still assumes that the good is desired; otherwise, the case is one of "exploitation" and is presumably uninteresting. In "The Limits of Hegemonic Stability Theory," p. 592, Snidal goes on to note the legitimacy problem.

16. Kenneth N. Waltz, *Theory of International Politics* (Reading, Mass.: Addison-Wesley, 1979), p. 198; see also p. 205. On the "blasphemy" of nations clothing "their own particular

that small actors are aware of the dangers of forced consumption, regardless of how "security suppliers" may define the situation.<sup>17</sup> In theoretical terms, Arrow's theorem shows the difficulty, under certain assumptions, of deriving group preferences from individual preferences. One such assumption is the absence of a dictator, an actor whose preferences will dominate.<sup>18</sup> If a collective good may be provided by one actor or a small group of like-minded actors, there is no inherent reason to suppose that these could not be dictators constructing a social preference function for a larger group, and there is good reason to accept this as a baseline case for political analysis.

The Mongol and Athenian Empires seem *prima facie* to be examples of regimes. They could even be used to test the theory of hegemonic stability. Does this do violence to the assumption of benefits provided by the hegemon? These empires, it could be argued, provided some standard benefits associated with functional explanations of regimes: a system of liabilities, reduced transaction costs, improved information, a stable and predictable environment with less need to hedge, and an enforcement mechanism.<sup>19</sup> Could not sophisticated Mongols point to the benefits of their empire, present the imperial power as benevolently placed at the service of community (as well as divine) objectives as understood by all well-informed actors, and use "free rider" language to justify their actions? The Mongol doctrine of empire promised that the ill-informed would be brought round as the divinely ordained process progressed. And would some actors not resist and rebel for some odd reason, perhaps being unpersuaded that any regime was better than none, or that the regime offered was better than other, perhaps less orderly, alternatives, or that "great powers" were necessarily correct in their notions of "the interest of the system"? If these claims of benefits stick in our throats, it may be in part because the convergence mechanism, an involuntary one, offends our sense of what communities are. But must communities be "nice things"? Must all social behavior be cooperative, voluntary, and benevolent?

Contesting claims of these benefits could require us to introduce other, equally contestable, ideas of "good regimes." A liberal rational actor analysis depends on these other ideas to defend a regime: left to itself, economic

---

aspirations in the moral purposes of the universe," see Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (New York: Knopf, 1967), p. 10. See also E. H. Carr, *The Twenty Years' Crisis, 1919-1939* (New York: Harper & Row, 1964).

17. See Nils Orvik, "Defence Against Help: A Strategy for Small States?" *Survival* 15 (September-October 1973), pp. 228-31; and Nils Orvik, "Canadian Security and 'Defence Against Help,'" *International Perspectives* (May-June 1983), pp. 3-7.

18. See the explication in Alfred A. MacKay, *Arrow's Theorem: The Paradox of Social Choice* (New Haven, Conn.: Yale University Press, 1980). For an application to international relations, see James D. Morrow, "Social Choice and System Structure in World Politics," *World Politics* 41 (October 1988), pp. 75-97.

19. For a statement of the functionalist approach, see Keohane, *After Hegemony*, pp. 85-109.

rationality provides only a weak and mercenary legitimacy in which payoffs to individual actors are the determinant of their support for or opposition to a regime. Even if a regime delivers desired goods, actors may still reject it if they think they could do better under other arrangements. The *overt* logic of the model permits no appeal to a sense of community against self-interested calculations: such an appeal appears instead through devices such as the imputed interest calculus.<sup>20</sup> Once an overt basis for such appeals is introduced, is there anything inherent in the notion of a regime per se that privileges one such basis over another?<sup>21</sup>

Liberal approaches assume, rather than establish, regimes as benevolent, voluntary, cooperative, and legitimate. They imply a certain kind of association among actors, based on certain shared judgments, and read this into their analysis. The result may be valid in its own theoretical terms, but it limits how actual regimes are perceived and treated. If regimes consist more generally of actors whose relations are organized by certain principles, norms, and so forth, a regime recognizable in these terms could form around non-liberal judgments, or on bases other than cooperation and voluntarism. The community consists of actors so organized, not just of actors who accept this organization as legitimate. We are then freed to deal with contestation over these fundamental elements as a basis for our regime analysis. It is at this point that we might turn to Foucault.

### **Foucault and international regimes**

The limitations of a liberal analysis do not require us to reject regime concepts or turn to a simple realist account that would abandon community as a concept. Instead, we might try to develop a nonliberal alternative that takes regimes seriously, drawing on Foucault's concepts of discourses, disciplines, resistance, and power/knowledge for leverage on the phenomenon. Foucault directs our attention to patterns of understanding and organization which may not be shared by all but around which an order may be constructed. He allows us to treat regimes as efforts to organize a realm of action without overlooking fundamental contests. He looks at order-induced behavior and behavior that "makes sense" only within the framework of a construction of reality, which may affect as well as reflect networks of relations in a

20. What appears to be "myopic self-interest," a pursuit of objectives in one issue-area without reference to implications for another, may be something else if we make different assumptions about the connections among issue-areas and about the ordering of an actor's priorities among them. See Keohane, *After Hegemony*, pp. 99 and 103–9 for the concept.

21. In *International Regimes*, p. 3, Krasner suggests the need for a "general sense of obligation," but this cannot arise satisfactorily from mere rational actor analysis; thus, from whence and why does it arise, what does it consist of, and should one source or content be privileged over another except as a theoretical convenience?



society. He thus may provide a basis for uniting some features of “cognitive” and “structural” approaches to regime analysis.<sup>22</sup>

*Discourses, disciplines, and regimes*

A “discourse” is not simply a theoretical statement, although it includes such statements; it is a statement connected to a social practice.<sup>23</sup> In “purely theoretical” terms, these statements define a phenomenon; provide a basis for analyzing, assessing, and evaluating it; and provide guidance for action with respect to it in terms of both ends and means. When embodied in an array of implementing instruments and practices, a discourse becomes a creative part of the reality it purports to understand. The discourses of particular interest to Foucault develop and implement standards of “normal” behavior. “Normal” here implies a prescriptive element: behavior that adheres to a norm may not be statistically prevalent, although an order may wish to produce such a prevalence. In conjunction with disciplines, discourses also provide statements about how such behavior might be produced: when implemented, they are exercises in social engineering.

A dominating or hegemonic discourse provides a “regime of truth,” a means of assessing not only whether statements are true or false but also whether they have a meaning at all or are mere nonsense.<sup>24</sup> Beside a hegemonic discourse we may find a range of other formulations that either have never gained formal recognition as regimes of truth or have lost that status. These are “subjugated knowledges.”<sup>25</sup> A regime of truth goes beyond agenda setting and “decisions and non-decisions.”<sup>26</sup> It endorses certain language, symbols, modes of reasoning, and conclusions. Those who do not use these may seem unintelligible, mad, or at least beyond the pale of accepted argument. Someone else may have to “speak for” them or “make sense” of what they say, recasting it into accepted terms. Such a translation may show the absurdity of their position in terms of the dominant discourse. In any event, it will transform an argument to some extent. Thus, even an attempt to come to grips with a complaint voiced in terms of a subjugated

22. For a brief description of these two approaches, see Haggard and Simmons, “Theories of International Regimes,” pp. 500–504 and 509–13. See also pp. 499–500, in which they specifically note the importance of Foucault with respect to the weaknesses of “cognitive” theories.

23. The development of the idea of discourses is found particularly in Foucault’s *Discourse on Language*, *The History of Sexuality*, vol. 1, and portions of *Power/Knowledge*.

24. Foucault, *Discourse on Language*, pp. 223–24.

25. According to Foucault, these are “a whole set of knowledges that have been disqualified as inadequate to their task or insufficiently elaborated: naive knowledges, located low down on the hierarchy, beneath the required level of cognition or scientificity.” See “Two Lectures,” in *Power/Knowledge*, p. 82.

26. See Peter Bachrach and Morton S. Baratz, “Two Faces of Power,” *American Political Science Review* 56 (December 1962), pp. 947–52; and Peter Bachrach and Morton S. Baratz, “Decisions and Non-Decisions,” *American Political Science Review* 57 (September 1963), pp. 632–42.

knowledge could be doomed: the powers that dominate would do that which they thought would be desired if a complainer understood the world and was able to voice a demand appropriately. The concepts of hegemonic discourses and subjugated knowledge thus point to a fundamental legitimacy problem arising in the ability of an order to understand and respond to some of its members. Applied to regimes, they build in a fundamental contestability.

“Disciplines” are “techniques for ordering bodies.”<sup>27</sup> They implement an analysis and give it a social reality, producing certain behaviors and conditions of life. They try to make bodies conform to behaviors defined as “normal” and taken as norms. A discourse harnessed to disciplinary techniques is productive as well as repressive. It may generate the desired behavior, but in defining some behavior as “normal,” it thereby also defines others as “abnormal” and thus subject to correction. Categories of deviant behavior are multiplied and refined. Those who resist or ignore its standards are considered deviant or at least suspect. Means are devised, through disciplines, to correct them. Through unforeseen consequences and individual adaptations, the discourse and disciplines may also produce behavior defined as deviant, which is then used to justify the maintenance and development of the system intended to control or eliminate it.<sup>28</sup>

Interpreted as a discourse/discipline set, a regime gives specific definition and order to a public space or realm of action.<sup>29</sup> It specifies a phenomenon and an issue-area deemed of public interest and in this sense “politicizes” them. It identifies the relevant qualities of the occupants of that space. It defines the relations within which they see and are seen by each other and in terms of which they conduct the public business with respect to that issue-area. In addition—a specifically Foucauldian element—these actors are defined and become visible as targets of observation and control: they are open to inspection and action and thus are no longer private. The ordering techniques provide means for observing, documenting, classifying, comparing, assessing, and individualizing target actors as well as for correcting behavior, punishing or repressing undesired behavior, and producing desired behavior. If the discourse/discipline set is accepted by actors, it can produce the desired behaviors with lower enforcement costs. We can find in this account some

27. The development of the idea of disciplines is found particularly in Foucault, *Discipline and Punish*, pp. 135–228.

28. Foucault, *Discipline and Punish*, pp. 257–308. The phenomenon has been noted by others; see, for example, Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* (Garden City, N.Y.: Anchor Books, 1961), pp. 171–320; and George Orwell, *Down and Out in Paris and London* (New York: Harcourt Brace Jovanovich, 1961).

29. This notion of a public space draws loosely on the work of Hannah Arendt; see, for example, *The Human Condition* (Chicago: University of Chicago Press, 1958), especially chap. 2, “The Public and the Private Realm.” The general idea of such a space, in which actors are brought together to conduct “the public business,” is distinct from the specific ordering it reflects at any one time.

parallels to both Gramscian notions of hegemony and “ideological structuring” in theories of metapower.<sup>30</sup>

The Krasner definition of regimes seems amenable to this treatment. A “public space” formulation recalls the various defining, coordinating, rule-making, monitoring, and (sometimes) enforcement functions assigned to international organizations and international regimes.<sup>31</sup> But a regime conceptualized in these terms is not necessarily attractive. This evaluative ambiguity does not follow from a particular policy outcome or driving ideology; therefore, merely changing these does not resolve it.<sup>32</sup> It follows from the inherent nature of regimes rather than from any specific manifestation: regimes in general are about shaping and controlling behavior through the application of instruments in accordance with an analysis. The community thus implied is organized around and by a dominating set of judgments concerning the existence, content, and control of behavior within a public realm and implemented for and over a set of actors through a specific array of instruments. The actors so organized act within this context. The community is thus defined by the application rather than the acceptance of these instruments. Adopting this approach requires no assumptions of voluntarism, benevolence, cooperation, or legitimacy; instead, it points to basic and inescapable problems and tensions within a regime.

### *Resistance, strain, and power/knowledge*

Orders, thus regimes, are foci and loci of struggle; these are two sides of the same coin. We may therefore ask not simply how order can be created and maintained but also how “disorder” and resistance can persist in the face of ordering efforts or even be created by them. Doing so takes Foucault positively, as a defender of the messiness of life rather than a harping critic merely engaged in drearily predictable rituals of condemnation. The results suggest some possible tensions and dynamics within and among regimes.

Disciplines create deviance, but there are also other possible points of resistance and strain. Rival knowledges may persist: the hegemonic discourse and its disciplines may be unable to absorb or obliterate these fully

30. See, for example, Walter L. Adamson, *Hegemony and Revolution: A Study of Antonio Gramsci's Political and Cultural Theory* (Berkeley: University of California Press, 1980); Robert W. Cox, “Labor and Hegemony,” *International Organization* 31 (Summer 1977), pp. 386–87; and T. Baumgartner, W. Buckley, and T. Burns, “Relational Control: The Human Structuring of Co-operation and Conflict,” *Journal of Conflict Resolution* 19 (September 1975), pp. 417–40. While there may be apparent overlaps between Gramsci and Foucault, the former is a Marxist seeking to replace one hegemony with another. Foucault rejects both Marxist truth claims and the new hegemony. For a comparison of Gramsci and Foucault on the question of hegemony, see Barry Smart, “The Politics of Truth and the Power of Hegemony,” in Hoy, *Foucault: A Critical Reader*, pp. 157–73.

31. See, for example, Harold K. Jacobson, *Networks of Interdependence: International Organizations and the Global Political System* (New York: Knopf, 1979); and Ruggie, “International Responses to Technology.”

32. Foucault, “Two Lectures,” p. 102.

and may even have to reach understandings with some of them. This could cause inconsistency in the "official" discourse and the apparatus of a concrete regime and lead to long-term disputes.<sup>33</sup> If a hegemonic discourse is simply implemented over unconverted holders of subjugated knowledges, these may yet increase their capabilities for communication and for the development and implementation of their systems through their own disciplinary apparatuses. They may become able to challenge the hegemonic discourse and its supporters. Similar results could follow as new knowledges arise. In either case, there may ensue a competition for the reordering of a public space. Alternative knowledges, combined with at least local power to defy the dominant discourse and its apparatus, provide a basis for revolt or revolution.

If the terms of a hegemonic discourse are not merely an all-purpose language of justification, the discourse acts as a second point of resistance, for it then constrains and provides means of appeal against its upholders. Foucault uses the domestic concept of sovereignty as an example, but sovereignty in international law also serves this purpose admirably because it multiplies opportunities for "local" resistance, for the preservation of knowledges that otherwise might be subjugated, and for the subordination of "community goals" (whoever defines them) to the requirements and objectives of individual actors.<sup>34</sup>

Foucault's treatment of sexuality suggests some implications of the internal composition of an issue-area. "Sexuality" is not an objective phenomenon or a single issue but a compound of knowledges and practices drawn from more specialized realms (for example, medicine, psychiatry, and education) and joining diverse problems, attitudes, perspectives, and arguments. A discourse defines how issues are connected in the issue-area.<sup>35</sup> If

33. This possibility is also present in Ruggie's concepts of a "negotiated collective situation" and a "negotiated collective response." See "International Responses to Technology," pp. 567-68 and 574.

34. Foucault, "Two Lectures," pp. 94-95. Invoking international law in this way implies that it is a discourse and has a set of associated disciplinary devices. Foucault, however, tends to treat law as outside of disciplinary techniques, although it may be colonized by them (see, for example, "Two Lectures"). If we accept international law as a discourse and discipline set, it appears to have a fundamental importance in international relations, providing generalized language, concepts, and mechanisms for the formal creation and characterization of international public spaces. International law as such, not just specific rules in substantive issue-areas, should be an important subject in regime analyses. If it is disputed or not followed, we must understand that in advanced games, rules are played, circumvented, and ignored as well as created, observed, and defended.

35. See Foucault, *History of Sexuality*, vol. 1, pp. 23-35, 100-102, and passim. This recalls Haas's treatment of issue-areas as "lumpings-together" of specific issues, packages linked by certain constructions and with certain considerations, understandings, and priorities in mind. See Ernst B. Haas, "Why Collaborate? Issue-Linkage and International Regimes," *World Politics* 32 (April 1980), pp. 357-405. Foucault's analysis of the functions performed by the compound discourse on sexuality (*History of Sexuality*, vol. 1, pp. 154-55) also recalls Haas's analysis of "ocean space" as a unifying concept in "Is There a Hole in the Whole? Knowledge, Technology, Interdependence and the Construction of International Regimes," *International Organization* 29 (Summer 1975), pp. 830-38.

issue-areas are internally complex, the configuring and weighting of their elements will be part of the politics of the “negotiated collective situation,” to borrow John Ruggie’s terminology.<sup>36</sup> How these connections are made and maintained may affect the stability and vulnerability of a regime, as Ernst Haas’s issue-linkage typology suggests.<sup>37</sup>

The compound character of a regime issue-area may also affect its relations with other regimes and issue-areas. Robert Keohane and Vinod Aggarwal suggest that some regimes are “nested” within others and that regimes can “nest” a variety of more specific arrangements. Keohane further suggests that the organization of issue-areas within and across regimes can inhibit cross-regime linkage patterns.<sup>38</sup> But such orderings may be disputed: an issue may appear in two or more issue-areas, be subject to competing discourses in these, and at the same time have its own discourse. For example, “technology transfer” may appear in “the law of the sea” and “nuclear proliferation” and have its own analysis. Issue-areas are constructs within an issue network, with the principles of construction being disputable. A regime is a local ordering of this network, a specific combination for a specific time, analysis, purpose, and group. “Nesting” gets at this, but its hierarchical ordering and insulation of issue-areas give only one set of possibilities, itself the result of regime politics. A constructed network formulation is more flexible and more open to reconstructions and issue linkages: “nested” arrangements become particular and temporary cases.

If issues can be connected, then regimes may overlap, spread, and compete along these connections and may merge with, absorb, or be absorbed by other regimes. A regime may face forces that could pull it apart as other discourses vie for control of specific issues in it. Such connections may generate pressures for all-encompassing discourses and orders. However, there will also be competing discourses, so the overall network need not reflect a coherent or consistent ordering of issues. If it is difficult to develop a coherent construct for an isolated issue-area, it may be even more difficult for an interacting set of issue-areas.<sup>39</sup> Increasing interdependence among issues and issues-areas may thus produce increasing strains on regimes. In such circumstances, arguments that specific regimes order the entire system become problematic even if some issue-areas, regimes, or instruments are more significant than others. Theoretical approaches that rely on a grand unifying order become particularly suspect. “The system” may be a frag-

36. Ruggie, “International Responses to Technology.”

37. Haas, “Why Collaborate?” pp. 370–75 and 385–86.

38. See Keohane, *After Hegemony*, pp. 90–91; and Vinod K. Aggarwal, *Liberal Protectionism: The International Politics of Organized Textile Trade* (Berkeley: University of California Press, 1985), pp. 16–28.

39. This is exacerbated if we adopt an “issue-structural” approach to power. See Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition* (Boston: Little, Brown, 1977), pp. 49–52.

mented, ill-coordinated thing; it may be broken-legged and limp along accordingly.

“Power/knowledge” generalizes the concepts of disciplines and discourses and develops them in a network analysis. Foucault treats “power” as a network of relations, not a commodity or resource. It is a structuring phenomenon, defining a space of interaction or a field of possibilities.<sup>40</sup> Power originates in the myriad concrete connections of a society. These may accumulate and split into grand agglomerations and cleavages, but they do not necessarily develop coherently or reflect in their results the intentions of actors. The network of relations in a society is the field within which a discourse is articulated in practice and has its productive effects. Knowledge and power are connected, since knowledge defines and organizes structures of relations yet at the same time is implemented and therefore becomes a social reality through them. Individual regimes are localized power/knowledges—specific arrays of analyses, issue-areas, and disciplinary devices—in this network. The order so created is no more simply an affair of framing texts and formal organizations than international law is simply a matter of multilateral conventions. The statements and practices of individual states and their bilateral and informal relations are also part of the order. This does not reduce regimes to mere epiphenomena but instead suggests that their most significant and dynamic parts may be outside of grand, formalized arrangements.

#### *Approaching regime analysis*

Foucault does not theorize or hypothesize; he produces jarring interpretations that uncover and promote struggles. Therefore, we cannot “deduce hypotheses” from his work; instead, we can adopt an attitude of fundamental contestability, apply Foucault’s analytic devices, and explore possibilities. Nonetheless, his work has ample scope for the development of new hypotheses and the integration of existing hypotheses in the regime literature. This is not mere eclecticism: an analysis drawing on Foucault seems able to bring together in an orderly manner a variety of themes, issues, and approaches in regime analysis. The results may not be tidy and parsimonious, but they may be able to cope with and even exploit the messiness, dynamism, and flexibility of concrete regimes.

A preliminary task for a regime analysis using the conceptualization offered here is to identify contending discourses and techniques and to see how they stand at any one time and how they change over time. This could help us differentiate among regimes yet also cope with their overlaps and

40. See especially the following works of Foucault: “Two Lectures”; “The Subject and Power,” in Dreyfus and Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics*, pp. 208–26; and *The History of Sexuality*, vol. 1. In “Social Choice and System Structure,” p. 80, Morrow briefly discusses the structuring effects of regimes but does so from a perspective that assumes their desirability.

evolution. The greater and more fundamental the variation in these components from one candidate regime to another or from one time period to another, the stronger would be the case for treating them as different regimes rather than different manifestations of the same regime. But regimes are not always well defined or clearly bounded. The political realities of their construction may create disputes, inconsistencies, incoherence, and vulnerability to changes in the ability of actors to enforce particular views. This is a political problem for concrete regimes, and this conceptualization may help us appreciate such problems. For the analyst, related problems include the difficulty of pinpointing the dates of a regime's creation and demise and the temptation to dump everything that occurs within a purported issue-area into an ill-defined box labeled "regime," thereby implying the existence of a coherent whole. The conceptualization offered here may encourage a more subtle analysis in which these problems are avoided or become less central.

Having identified potential contenders for regime-defining discourses and their associated disciplines, we will also have identified the disputes among the holders of these discourses: disputes over the correct naming and evaluation of things, over applicable arguments and standards of judgment, and over objectives and mechanisms.<sup>41</sup> There will be struggles to create, build upon, transform, or destroy networks of relations that will support and reflect judgments on these matters. Actors will employ various strategies to "exercise power" within or against such networks, including developing alternative analyses, invoking discourses against their holders, linking issues, creating or hindering the creation of alternative networks, and labeling themselves and their opponents. Successful regimes will be linked to significant networks and will suppress, absorb, or marginalize their rivals for control of a set of actors.

Once a regime exists, at least four overall groups of actors may be found in these struggles, depending on their status with respect to that regime. First are actors who accept and cooperate willingly with it. Their disputes may be technical or over relative positions. Although they accept both the hegemonic discourse and its apparatus, their disputes could unintentionally erode the regime. If the discourse and its associated devices prove incapable of coping with the issue-area simply in technical terms, this will produce pressures for new discourses or devices and for attempts either to change the regime or to save it through new efforts. Second are true free riders (as distinct from actors merely so labeled by opponents), who want others to support the regime but do not help maintain it themselves. These may erode the regime, reduce its capability, or produce disputes over burden sharing, but wise parasites do not destroy their hosts. These two groups are community members who accept the legitimacy of the order. Third are deviants and rebels, who challenge the order on the basis of subjugated or alternative

41. For an application of Foucauldian ideas to collective decision making, see Shapiro, Bonham, and Heradstveit, "A Discursive Practices Approach."

knowledges and alternative networks of relations but who are contained within the regime's community and thus are pressured to follow its dictates. They differ from true free riders in that they want to break up or break from the order. Regime supporters may attempt to convert, punish, or isolate them. Fourth are outsiders and other communities organized in other public spaces. These may strain a regime by providing alternative associations for actors (if they can break free) or competing constructions that can destroy or alter the regime. They also are targets for regime expansion.

As a preliminary to dynamic regime analysis, we might use these groupings, noting the actors, specific issues and types of disputes, how these sum over the regime at any time, and how they change over time. As a regime grows and absorbs more actors or issues, its deviance content might initially increase, requiring greater efforts to enforce rules until the actors are "normalized." Conversely, as a regime shrinks, its level of deviance should first rise and then fall as the actors or issues of difficulty are shed. Since the same actors might be members of different but overlapping regimes, we could find them pursuing differing policies toward these, whether because of domestic policy incoherence or because they are constrained deviants in one regime but staunch supporters in another and the regimes are incompatible. We could also identify and examine the use of specific strategies within a regime or against it from the outside.

Whether regimes in growth or retreat can achieve stable conjunctions of issues and actors and indeed whether a regime can achieve stability at all are open questions. Haas's typology of issue-linkages and their implications for regime stability can be brought in at this point.<sup>42</sup> His concept of "substantive issue-linkage" is challenged by Foucault, as it could merely indicate a hegemonic discourse. Where it dominates, however, disputes among the first group of actors above are the most important in the regime. There are still deviants because it is impossible to talk of deviance without a strong norm and because norms can generate deviance. There can also be free riding. As we move to tactical and fragmented issue-linkages, however, the coherence of the regime declines, disputes become more basic, and our ability to use the language of legitimacy declines as well: the essence of the situation becomes an increasing contestability of regime fundamentals. We can also look at Ruggie's early regime formulation.<sup>43</sup> If certain constructions of the "collective situation" are only compatible with certain "collective responses," we could not only anticipate coherence problems between regime discourses and implementing devices but could also obtain additional leverage on the implications of rival discourses, rival constructions of a "collective situation."

An analysis based on Foucault's work treats regimes as loci of greater or lesser, but inevitable, tension in which actors struggle to define the regime

42. See Haas, "Why Collaborate?" pp. 370-75 and 385-86.

43. Ruggie, "International Responses to Technology."



and the space it orders. Actors supporting a dominating discourse seek to extend or at least to defend its grasp through the conversion of others and suppression of rival knowledges and also through the entanglement of others in webs of concrete relations. Those holding subjugated knowledges engage in a variety of resistance efforts (analogies to and metaphors of guerrilla warfare come to mind), seeking to transform the order, to disentangle themselves, and to create autonomous networks of relations. What this sort of analysis does not do, especially by its attitude, is encourage particularly regime-supporting perspectives or prescriptions; if anything, its bias is in favor of resistance. It thus runs less risk of becoming an apology for "the way things are" and presenting these as natural, good, true, or beautiful. Any policy prescriptions that might follow from it would be largely strategic and tactical, available equally to supporters of and resisters to regimes, and useful for blocking, altering, or destroying as well as creating or maintaining an order. It does not suggest or assume that we should or should not want any specific regime or regimes as such. It leaves such debates to particular theories or ideologies in and for regimes.

### **Foucault and realism**

Liberal regime analysis has been used here as a foil for the suggestion of a Foucauldian alternative. What of Foucault and realism? Only some general and compressed lines of thought will be sketched here, the question being worth a paper in itself. Because a Foucauldian analysis accepts power and conflict as basic, it is more amenable to realism than to liberalism and thus has a more complex relationship with realism. Beyond this, such an approach may differentiate itself from abstract realist theory but enrich concrete realist analysis. The differentiation occurs to the degree that realist theory focuses narrowly on power, marries this to an individualistic rational actor analysis in a baseline "pre-social" case, and is concerned almost exclusively with "great powers." The enrichment occurs insofar as realist analyses of concrete regimes implicitly or explicitly seek to move away from this restrictive model.

The realist "pre-social" formulation, as abstract and ahistorical as the social contract notion it negates, either denies society or treats it as a weak phenomenon held together by bonds of mere coercion or by the fragile ties of temporarily converging interests. This simply makes explicit the limits of legitimacy in a rational actor analysis. It gives no place, however, to shared or dominating judgments and by definition cannot deal with social phenomena. "Interest" and "rationality" are treated unproblematically: in this, despite their differences,<sup>44</sup> realism and liberalism are similar. Certain un-

44. See, for example, Joseph M. Grieco, "Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism," *International Organization* 42 (Summer 1988), pp. 485-507.

derstandings and judgments are attributed to actors, or are treated as descriptions of “objective reality” to be ignored at the actors’ peril, or both. Given the focus on power as the key explanatory factor, despite its notorious difficulties, this realist theory must reduce regimes to dependent and minor factors. Why, then, should we bother to look more deeply into their functioning and implications? This power focus can at best tell us who wins and why; it cannot tell us what the contest was about (other than “winning”) or guide an analysis of the content of the regime which subsequently shapes actor behavior. Neither the point of the struggle nor some aspects of regime dynamics and functioning can be dealt with satisfactorily on this restricted basis. To the extent that it devotes its attention simply to the great powers, reducing *hoi polloi* to passivity or triviality, realist theory ignores the experiences and perspectives of most of the actors in a system.

Foucault assumes a society, but not in liberal terms. In this society, he assumes neither the content of the understandings that give it order through networks of relations (power within, rather than abstracted from, social relations) nor consensus on those understandings. Societies are loci of struggle. His approach thus stands against, not between, both the realist and the liberal baseline models. Because societies exist, regimes are important, but they are not necessarily desirable. Adding knowledge to power and treating a regime as an implementation of both, this analysis goes inside the regime rather than treating it as a mere dependent variable. It is, therefore, better able to ask how regimes work and what they do and to incorporate cognitive issues into both its questions and its answers. Finally, with its emphasis on resistance, it examines the active role of lesser actors as well as the inevitable strains in regimes.

Where a realist analysis does not simply stop with power and rational action but turns to a close examination of actual regimes, the Foucauldian approach offers enrichment rather than opposition. If the analyst inquires into self-defined interests of actors and their struggles to define collective situations and responses, it can provide additional analytic devices that take social phenomena seriously without reverting to liberal ideas. A Foucauldian analysis seems to present possibilities for a new direction in realist thinking and thereby offer an escape from the realist-liberal continuum that has dominated our thinking for the last several decades.

### **An illustration: nuclear nonproliferation**

The case of nuclear nonproliferation will be used to illustrate some elements of a discussion thus far fairly abstract.<sup>45</sup> The apparent complexity of “the

45. The case of nonproliferation is explored further, although tentatively, in the following: James F. Keeley and Sheila K. Singh, “Atomic Discipline: The Creation of the Non-Proliferation Treaty,” paper presented at the annual meeting of the Canadian Political Science

nonproliferation regime” and the disputes and strains to which it has been subjected from the start suggest that it is a promising and important area of investigation. The results of applying concepts elaborated above to this public realm, however, are not comfortable—at least for standard Western nonproliferation analyses—because they indicate that Third World recipient and nonnuclear weapon states may have justified grievances about the course of development of nuclear nonproliferation since the negotiation of the Non-Proliferation Treaty (NPT).

“The nonproliferation regime” seemingly consists of a large number of components of varied types and possibly disputed status.<sup>46</sup> Does this complexity form a coherent whole, or is this “regime” a mere congeries held together by the vague idea that the spread of nuclear weapons is not a good thing? If there is coherence here, what are the analysis, implementation mechanisms, and issue-area construction that hold it together? How do these interact with the network of relations among the actors in the regime?

The NPT and the International Atomic Energy Agency (IAEA) safeguards system created under its terms are usually taken as the heart of the regime; together they form a coherent discourse on nonproliferation and set of implementing mechanisms. Although nondissemination is the main focus of the NPT, its Preamble, Articles VI and VII, the procedural articles, and the negotiating history of the Eighteen-Nation Disarmament Committee point to a more complex identification of “proliferation”: the acquisition of nuclear explosives (the dissemination problem), the deployment of nuclear weapons, and “vertical proliferation.” The dissemination problem is defined in end-use terms, as the production of nuclear explosives. The mechanisms to further the nondissemination goal center on safeguarded access to nuclear goods and services for civilian purposes and an undertaking not to develop nuclear explosives. The necessary machinery is provided by the IAEA safeguards system, a technology of surveillance and confession. This discourse

---

Association, Windsor, Canada, 1988; James F. Keeley and Sheila K. Singh, “Before and After: The Comprehensive Test Ban and the Non-Proliferation Treaty,” paper presented at the annual meeting of the Canadian Political Science Association, Quebec City, Canada, 1989; and James F. Keeley, “A Structural Overview of Civilian Nuclear Cooperation Agreements,” paper presented at the annual meeting of the Canadian Political Science Association, Quebec City, Canada, 1989.

46. In David A. V. Fischer, *The International Non-Proliferation Regime 1987* (New York: United Nations, 1987), p. 3, the author lists the following “main elements”: agreed rules and norms seeking to proscribe proliferation (the NPT and nuclear weapon free zone agreements); complementary agreements such as the Partial Test Ban Treaty; security assurances by nuclear weapon states; various United Nations resolutions; bilateral supply agreements; Nuclear Suppliers Group guidelines; IAEA, European Atomic Energy Community (EURATOM), and national safeguard and control systems; and national means of verification. Smith adopts a similar broad approach, although he concentrates on the NPT and the IAEA. See Roger K. Smith, “Explaining the Non-Proliferation Regime: Anomalies for Contemporary International Relations Theory,” *International Organization* 41 (Spring 1987), pp. 253–81. See also Mohamed I. Shaker, *The Nuclear Non-Proliferation Treaty: Origin and Implementation, 1959–1979* (London: Oceana Publications, 1980), in which the author would seem to add the Strategic Arms Limitations Talks (SALT I) and other Soviet–U.S. arms control agreements.

and these mechanisms are consistent with a certain construction of the “nonproliferation” issue-area. Vertical proliferation is connected to horizontal dissemination; therefore, nondissemination must be connected to disarmament. Access to peaceful nuclear technology, however, is linked positively to economic development; thus, measures to stop nondissemination should not hinder civilian nuclear programs.

The NPT in particular serves as a normative focus and a locus of struggle both among signatories and between these and nonsignatories. States are pressured to “sign on”; those refusing to “take the pledge” are suspect, as are some of those who have already signed. Disputes over the implementation of the regime are carried out in its terms: Articles IV and VI of the NPT are major elements in the treaty’s review conferences, being foci of tensions or disputes. The suggestion of a “bargain” in which these two articles are linked with forgoing the nuclear option by nonnuclear weapon states scarcely does justice to the situation. This is not a mere *quid pro quo* or tactical linkage but, rather, a reflection of the treaty’s historical context. Some parties take its safeguards requirement as a floor, an international minimum, and present supplier guidelines as supplementing or complementing the treaty; others take it as a ceiling, a maximum, and consequently see supplier guidelines as potentially renegeing on the treaty. Thus the treaty’s terms not only help to define “normal” and “deviant” behavior but also provide a public language for defense and attack, justification and condemnation, and pressure and resistance to pressure within the regime.

The safeguards system is implemented through a series of increasingly detailed agreements—down to the facility level—between signatory states and the IAEA. The system is increasingly portrayed as a positive good, a means of demonstrating good faith, rather than in negative or deterrent terms. Crucial to the success of the NPT as a nondissemination measure and to the success of the idea of safeguarding, however, has been the support given to both of these in the network of bilateral civilian nuclear cooperation agreements. These might require bilateral safeguards or the application of an IAEA safeguards system; some exporters may require the acceptance of NPT safeguards or their equivalent. Historically, both the principle and the techniques of safeguarding were developed through bilateral arrangements. Both supplier dominance in the international market for nuclear goods and services and the ability of suppliers to coordinate on conditions of supply have been crucial for the regime.<sup>47</sup>

These components of “the nonproliferation regime” seem to function as an internally consistent and coherent set in the terms set out in our earlier

47. Thus, there is concern about “new suppliers,” who may not adhere to regime norms and who may provide alternative sources of supply both to nonmembers and to disgruntled members of the regime. See, for example, Stanley Ing, “Emergent Suppliers, the Non-Proliferation Regime and Regional Security,” in David B. Dewitt, ed., *Nuclear Non-Proliferation and Global Security* (London: Croom Helm, 1987), pp. 119–30.

discussion. They have the qualities that this discussion leads us to expect. However, both the distinction between nonproliferation and nondissemination and the history of the treaty's review conferences, particularly with respect to Articles IV and VI, point to some difficulties in the evolution of the regime. At best, these suggest strains in its coherence; at worst, they suggest a substantial reworking of the regime by dominant states, a subordination of the discourse of nonproliferation found in the NPT to a discourse of nondissemination located in a less formalized nuclear export control regime dominating the international public space of "nonproliferation."

Key elements in approaching these possibilities are national nuclear export legislation and practices and the Nuclear Suppliers Group (NSG) guidelines.<sup>48</sup> In U.S. practice, safeguards are not the only controls placed on nuclear exports; there are also formal or informal limits on access with respect to both the kind and the amount of nuclear material and technology supplied and on whether and where certain fuel cycle services may be performed. Similar limits are found in the practices of other states. While such practices may have been formalized and made coherent to a significant degree among major suppliers only with the NSG guidelines, they comfortably antedate the NPT. Focusing simply on the NPT and on safeguards to the exclusion of other supplier conditions thus misses an old and substantial, if not always coherent, aspect of the history of nondissemination efforts.

The term "nondissemination" is used here deliberately instead of "nonproliferation." The NSG guidelines in particular and this broader practice in general are organized around a substantially different discourse, set of implementing mechanisms, and construction of the issue-area than are found in the IAEA-NPT set. The discourse of nondissemination found here reflects a "latent proliferation" definition of the problem: it is the spread not only of nuclear explosives but also of the independent capacity to manufacture them. This problem definition connects readily to "technological" rather than "motivational" theories of proliferation.<sup>49</sup> It also implies a different approach to control: while safeguards are desirable, safeguarded access is obviously insufficient to deal with the nondissemination problem so defined. This was obvious as early as the Acheson-Lilienthal Report and the Baruch Plan. Access to "sensitive" technologies and materials must also be regulated. At the least this implies a supplier oversight function, a judgment of the "legitimate" needs of nuclear recipients. If latent proliferation is the problem, the connection between peaceful uses of nuclear energy and economic development becomes much more problematic, since the spread of nuclear technological capabilities, whether safeguarded or not, is precisely part of the problem. References to disarmament and to vertical proliferation, however, are notably absent or constrained. Not only is there a shift from

48. See IAEA, Information Circular no. 254, February 1978, and additions.

49. For an explication of these two general perspectives, see Stephen M. Meyer, *The Dynamics of Nuclear Proliferation* (Chicago: University of Chicago Press, 1984), chaps. 1-3.

disarmament to arms control as a context, but also the connection between nondissemination and vertical proliferation may be omitted or even reversed.<sup>50</sup>

Central to this set of elements, as to the NPT, are the willingness and the ability of the dominant nuclear suppliers to agree on and to require conditions in return for exports. The centrality of networks of relations as distinct from formal multilateral arrangements (which are only given effect through such networks) is demonstrated to the extent that major nuclear suppliers both dominate the market for nuclear goods and services and adhere to this nondissemination discourse. Suggested also is the ability of these states to redefine "the nonproliferation regime," implementing their own discourse and disciplinary array and effectively constructing preferences that are then enforced over nuclear recipients. Assuming supplier dominance and coherence, they can do this not simply against the express complaints of NPT signatories at the review conferences but also even in the absence of the NPT.<sup>51</sup>

We seem, therefore, to have three choices with regard to "the nonproliferation regime," varying with supplier analyses, strength, and cohesion: first, an NPT-IAEA regime strongly challenged by suppliers attempting to redefine it; second, two regimes within the same public space; and third, a nuclear export control regime that has subordinated the NPT. Any of these will account for the dissension and strains within the NPT and within the public realm of nonproliferation, for all point to a transformation—attempted, actualized, or in progress—from "nonproliferation" in the terms of the treaty to "nondissemination." It is precisely this redefinition process that generates the difficulties at the NPT review conferences. If we insist on one coherent "nonproliferation regime" bringing together the various disparate components noted, the nuclear export, nondissemination regime makes more sense as a description of the nature of things than an NPT-based regime that is "supplemented" by NSG guidelines.

50. In "Explaining the Non-Proliferation Regime," pp. 258–59, Smith suggests that "substantial reductions in the arsenals of the superpowers' nuclear inventories would run counter to the underlying logic of the NPT which views extended deterrence as central to non-proliferation" and that transfers of "sensitive" technologies would mean "a violation of Article I." However attractive these contentions may be to dominant supplier and nuclear weapon states, they run contrary not only to the words of the NPT but also to its negotiating history, and they fail to account for the contentions over Articles IV and VI. The "extended deterrence" argument reverses the linkage in the nonproliferation discourse, seeing the possession of nuclear weapons by some as assisting in nondissemination. The issue is not which construction of the issue-area is "true" but, rather, that both the disconnected and the reversed construction differ radically from that found in the negotiation of the NPT. Nye, among others, treats "nonproliferation" and "nondissemination" as identical. He takes vertical proliferation as a problem for arms control, a separate regime, and finds the relations between arms control and "nonproliferation" to be paradoxical. See Joseph Nye, "Maintaining a Non-Proliferation Regime," *International Organization* 35 (Winter 1981), especially pp. 34–35. In the original nonproliferation discourse of the NPT, there is no paradox and there is only one overall regime.

51. Here again, therefore, a concern arises about "new suppliers."

These conclusions are not novel, at least to the Third World; however, they are not overtly dominant in, though they may be a foundation for, the Western nonproliferation literature. Neither is the language in which they are presented here entirely novel or striking—certainly not as compared to Foucault’s terminology and descriptions. But novelty of conclusion or language is not the point; the analytic devices employed give a clear, coherent, plausible, and important, albeit uncomfortable, description and account of “the nonproliferation regime” and so suggest their usefulness.

## Conclusion

According to Hannah Arendt, the ancient Greeks saw politics as occurring within a public space defined by the constitution of the polis. The creation of that space was a prepolitical act of gods or of founders.<sup>52</sup> The concept of international regimes suggests that international politics is not prepolitical in this sense, that it may be more orderly than some might think, and that a realism which neglects aspects of community in international relations is inadequate. It also suggests that in the absence of divine intervention, politics includes both the creation of and action within public spaces. In international relations, these constitutions of public spaces are more protean, vulnerable, and contested than those of well-ordered civil societies.

If we wish to take regimes seriously yet also to acknowledge realist warnings on the nature of politics and the centrality of power, we require approaches that will provide leverage on communities yet still recognize and not de-legitimize contestability in them. Foucault’s work offers some possibilities here: he takes seriously how actors understand, construct, and act within public spaces, but he does not accept legitimacy claims on behalf of specific constructions. Consequently, he highlights public spaces and regimes as forums and objects of struggle. He has limitations, but his analytic devices allow us to use and to reinterpret existing regime theories, although in a rather different general approach, as well as to protect ourselves from apologetic accounts and theories of regimes. In our thinking on international regimes, we will wish at some point to move beyond Foucault’s ideas, for they are not an end but a beginning, but it may be useful if we first move through them.

52. Arendt, *The Human Condition*, pp. 194–95.