Why Comply? Social Learning and European Identity Change

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Why do agents comply with the norms embedded in regimes and international institutions? Scholars have proposed two competing answers to this compliance puzzle, one rationalist, the other constructivist. Rationalists emphasize coercion, cost/benefit calculations, and material incentives, whereas constructivists emphasize social learning, socialization, and social norms. Although both schools explain important aspects of compliance, the challenge is to build bridges between them.[1]

To this end I examine the role of argumentative persuasion and social learning. I make explicit the theory of social choice and interaction implicit in many constructivist studies of compliance, and I enlarge on rationalist theories by exploring the instrumental and noninstrumental processes through which actors comply. I argue that domestic politics—in particular, institutional and historical contexts—delimit the causal role of persuasion/social learning. Equally important, I propose a synthetic approach to compliance that encompasses both rational instrumental choices and social learning, an approach that will help both rationalists and constructivists to refine the scope of their compliance claims.

To assess these arguments, I conduct a plausibility probe of state compliance with new citizenship/membership norms promoted by European regional organizations, focusing on unified Germany and independent Ukraine. Rationalist accounts of compliance dynamics fare better in the case of Germany, with its pluralist institutions and extensive historical legacies; in Ukraine, a transition state with more

1. Finnemore and Sikkink 1998, 913.

centralized institutions and many "novice" political agents, constructivist arguments fare better.

The analysis proceeds as follows. I begin by describing the citizenship/membership norms of concern here. Switching to a more analytic mode, I review rational choice and constructivist work on norm compliance, focusing on the causal mechanisms each adduces. Rationalist regime and bargaining theorists and, more surprisingly, constructivists have largely ignored the influence of social interaction on compliance decisions. I address this gap by advancing hypotheses on the roles of social learning and persuasion in compliance and by exploring the methodological challenges involved in measuring them. I then provide evidence of both rationalist and constructivist compliance mechanisms at work in two different institutional settings: Germany (norm compliance in a well-established pluralist democracy) and Ukraine (norm compliance in a new transition state). I conclude by suggesting how my analysis advances the constructivist agenda, highlights the importance of institutional factors in compliance studies, and argues for greater attention to scope conditions in the debate between rationalists and social constructivists.

The constructivism favored in this article belongs to the so-called modernist branch where scholars combine an ontological stance critical of methodological individualism with a loosely causal epistemology. Analytically, they focus on the role of norms in social life, demonstrating that norms matter in a constitutive, interest-shaping way not captured by rationalist arguments. Given my empirically informed hunch that compliance sometimes involves such interest redefinition, this work should prove useful.[2]

I focus on compliance as the dependent variable; that is, to what extent agents abide by and fulfill international rules and norms rather than socialization. While socialization has been favored in recent constructivist studies, its use is problematic in one respect: Students of political socialization typically emphasize its end point, that is, the internalization of values and norms. Such an emphasis can lead to bracketing the intervening processes of social interaction through which agents reach such an outcome. In contrast, compliance scholarship focuses centrally on such processes: coercion and sanctions, cost/benefit calculations, and persuasion, among others. To minimize reliance on correlational arguments, I consider not only the observable degree of compliance among agents but also the motives and attitudes that lead actors to abide by normative prescriptions.[3]

Changing Citizenship/Membership Norms in Pan-Europe

Whether in Brussels, Berlin, Warsaw, Moscow, or Kiev, citizenship practice and policy have entered a period of turbulent change in contemporary Europe. These

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2. Katzenstein 1996.
3. See Sigel 1965, 1; Ikenberry and Kupchan 1990, 287–92; and Chayes and Chayes 1993. See also the "integrity of the law," "managed compliance," and "social learning" perspectives on compliance in Joerges and Zürn 1999, 5–7; and Underdal 1998, 20–23.

changes have been driven not just by domestic political dynamics but also by external factors. In particular, European regional organizations have begun to address issues of citizenship and membership in some detail, promoting new forms of citizenship (the European Union's "European citizenship"), revised understandings of national citizenship (the Council of Europe's work on "dual citizenship"), and new conceptions of the group and cultural rights of national and ethnic minorities (work by the Council of Europe and the High Commissioner for National Minorities of the Organization for Security and Cooperation in Europe).[4]

For both analytic (tractability of the analysis) and substantive reasons (robustness of its norms), here I consider only work by the Council of Europe. Over the past decade, it has promoted more inclusive citizenship and membership norms. After a negotiation process that involved elements of interstate bargaining and supranational deliberation, two international legal instruments promulgate these norms: a Framework Convention on National Minorities and a European Convention on Nationality.[5]

What kinds of policies and practices would result if European states were to comply with these instruments and the norms they promote? Most generally, one would see a move toward more inclusive, civic conceptions of identity, with all those within a state's borders receiving a full range of political and cultural rights. I stress the phrase "move toward": Europe will always have immigrants and other citizens-in-waiting, but in a given country the trend should lean toward their more rapid incorporation. Specifically, state action consistent with these regional prescriptions would include greater tolerance for the cultural rights of minorities (especially in the linguistic and educational realms) both in practice and in a constitutional/legal sense, more standardized and efficient procedures for integrating immigrants, and greater tolerance of dual citizenship.[6]

Why Comply?

Given these emerging Council of Europe norms, why and through what processes do European state agents comply with them? The theoretical literature offers two seemingly different answers—one rationalist and one constructivist.[7]

Rationalism and Compliance

Building upon rational-choice insights, regime scholars privilege methodological individualism and consequentialist choice mechanisms in their studies. While

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4. See Wiener 1998; Council of Europe 2000; Flynn and Farrell 1999; and Ratner 2000.

5. See Council of Europe 1994 and 1997; and Checkel 2000a. Elsewhere, I consider the norms promoted by the European Union's European citizenship provisions. Checkel 2001.

6. See *Die Presse*, 21 January 1999; and Dual Nationality, *Migration News* 7 (March 2000).

7. For more detailed overviews of the compliance literature, see Young 1979; Fisher 1981; Jönsson 1990, intro.; Zartman 1994, pt. 2; Chayes and Chayes 1995, chap. 1; Koh 1997, 2631–40; and Zürn 2000.

analysts employ differing labels—neo-utilitarian, contractualist, interest-based—to describe the process through which actors comply with regime norms and injunctions, a common set of assumptions unites them. Compliance is most often a game of altering strategies and behavior only, with agents leaving a regime (or its institutional home) as they entered it. The underlying ontology is decidedly individualist.

Integrated with this ontology is a cost/benefit choice mechanism, with agents calculating in response to putative regime benefits (material or social) or the threat of sanctions. Even in those instances where analysts see interests as changing, they argue that change occurs slowly and as a function of the new incentive structures agents face. Not surprisingly, these assumptions lead many scholars to portray the roles of language and communication in purely strategic/informational terms and to erect a "black box" around the interaction context from which decisions to comply emerge (that is, the assumptions become barriers to understanding the actual interaction context of compliance decisions).[8]

It is true that the international bargaining literature, which overlaps with the regime work, has always accorded a central role to "interaction." However, the interaction that leads to compliance is again understood as strategic exchange among egoistic, self-interested actors. Materialism also figures prominently in such analyses. Faced with (material) brute facts, bargaining agents make compliance choices on the basis of cost/benefit calculations. No one would deny that such research captures an important part of empirical reality, especially if one examines, as many analysts do, coercive international bargaining.[9]

For sure, there has always been a lively dissent to these dominant perspectives. Beginning with Ernst Haas's early work on international organization, a smaller group of "cognitive" regime scholars have investigated the mutually constitutive and noninstrumental bases of social interaction. These scholars emphasize collective learning, internalization, and persuasion as the dynamics producing compliance, with the latter occurring through a redefinition of interests that takes place during the process of interaction itself.[10]

In the bargaining literature, recent work stresses that fully understanding agents' compliance decisions requires considering the social context and the noninstrumental interaction that occurs during negotiations. This trend in international relations (IR) scholarship intersects with a long-running tradition among scholars of the

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8. See Levy, Young, and Zürn 1995, 295, 304–306, 312–14; Hasenclever, Mayer, and Rittberger 1996, 177–205; and Underdal 1998, 7–20. On rationalism and interest change, see also Lynch 1999, 10–11, where it is noted that if rationalists allow interests to "change in the course of strategic interaction, then it becomes virtually impossible to model behavior," which is their central concern.

9. See Wagner 1988; and Fearon 1994. For critiques, see Schoppa 1999, 311–12, 332–37; and Risse 2000, 2–14.

10. See Haas 1990, chap. 2, *passim*; Haas 1992; Adler 1997, 337–41; Ruggie 1998b, 867–69; Underdal 1998, 20–23; and Knopf 1998.

European Union, many of whom emphasize the deliberative and socially constructed bases of compliance, whether in Brussels or at the national level.[11]

These arguments capture an important part of compliance dynamics—internationally or within Europe; however, analysts most often advance them as heuristic claims. In other words, they are intuitively or empirically plausible but elaborated insufficiently to allow for empirical testing and generalizing to other contexts. Thus, they avoid the tough issues of operationalization (how would I know persuasion when I saw it?), empirical measurement (the methods and proxies used to gauge the extent of persuasion/learning), and the development of scope/boundary conditions (when and under what conditions will they explain compliance?).[12]

Constructivism and Compliance

Early research by constructivists did not ask why actors comply with social norms. Instead, they often focused on later stages of compliance, where internalization (full socialization) was nearly complete. This led many scholars to bracket the process of reaching this end state. At this late stage, however, compliance was not an issue of choice in any meaningful sense; agent behavior was governed by rules and driven by certain logics of appropriateness. The result was a somewhat static portrayal of social interaction, coupled with correlational and structural arguments built on "as if" assumptions at the level of agents.[13]

More recent studies rectify these problems by placing greater emphasis on process and agency, with scholars identifying two causal mechanisms through which social actors comply with norms: social protest/mobilization and social learning. The former argues that domestic actors such as nongovernmental organizations (NGOs) and trade unions, in cooperation with transnational organizations and networks, exploit international norms to generate pressures for compliance on state decision makers.[14]

At the agent level, how does this protest dynamic explain compliance? For elites, the answer is clear: Norms are not internalized, they merely constrain behavior. Rationalist models easily explain elites' compliance because they view social structures in this behavioral, constraining sense. Deriving systematic explanations for compliance at the grass-roots, activist, and NGO-levels is more problematic. In some cases, norms genuinely constitute agents in the sense meant by constructivists, providing them with new understandings of interest/identity. However, in many

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11. See Joerges and Neyer 1997a,b; Lewis 1998; Egeberg 1999; and Eriksen and Fossum 2000. In the bargaining literature, see Chayes and Chayes 1993; Haas 1998, 30–33; and Schoppa 1999.

12. See Levy, Young, and Zürn 1995, 306; Hasenclever, Mayer, and Rittberger 1996, 212–13; and Underdal 1998, 22. On this disconnect between theory and application, see Haas 1990, 138–54; Adler 1991; and Mueller 1993.

13. See Moravcsik 1997, 539–40; Klotz and Lynch 1998, 18–19; Gurowitz 1999, 413–19; Flynn and Farrell 1999, 511–12; and Risse 2000, 6–7.

14. See Klotz 1995b; Cortell and Davis 1996; Koh 1997, pt. 3; Keck and Sikkink 1998; and Gurowitz 1999.

other instances, norms produce compliance in ways better captured by rationalist arguments—for example, by creating focal points in the domestic arena, being used instrumentally to advance given interests, or being deployed strategically to manipulate and constrain the views of elites.[15]

The implicit methodological individualism and consequentialist theory of choice that underlie many of these mobilization/protest accounts suggest linkages to rationalist regime compliance and bargaining scholarship. Although not using the same terminology, constructivists have documented how compliance—especially at the elite level—is a game of cost/benefit analysis, with the diffusion of new social norms changing such calculations. Like many regime and bargaining theorists, these scholars emphasize the role of sanctioning in promoting compliance. The sanctioning force (a social norm) and the mechanism (NGO shaming) are different, but the behavioral logics and choice mechanisms appear similar. One might call it "social sanctioning."

Consider the work of Thomas Risse, Stephen Ropp, Kathryn Sikkink, and their collaborators in *The Power of Human Rights.* These analysts explore the connections between international human rights norms and patterns of domestic compliance and socialization. They use the boomerang model elaborated by Margaret Keck and Sikkink, whereby recalcitrant state elites are caught in a vise of transnational and domestic social mobilization. Here, the preferences of elites do not change at early stages; rather, compliance occurs only through changes in behaviors and strategies. Expanding the model's temporal scope, Risse and his collaborators argue that elites become less reactive at later points and, indeed, may comply because they have internalized new preferences. From an analytic perspective, however, they do not make clear why state decision makers get to play this more active role only after an initial softening up by networks and activists.[16]

Why such biases? The key lies in an exciting fusion of ideas from sociology and political science. This synthesis allows constructivists to better explain the dynamics of norm diffusion in various settings. More important, by drawing on social movements scholarship with its strong emphasis on agency, constructivist accounts of compliance develop a greater theoretical balance between structure and agency.[17]

This synthesis has costs, however. Most important, constructivist accounts incorporate the individualist ontologies and consequential choice mechanisms central to much social movements scholarship. My claim is not that these scholars now portray agents as only pursuing material interests. Rather, much of the behavioral logic in recent constructivist/social movement scholarship is consistent with thin rationalism, where agents may pursue nonmaterial goals (normative values, say), but consequentialism—means and ends calculations— underlies their choices.[18]

15. Compare Wapner 1995; Ron 1997; and Gurowitz 1999, 415, 418, 424, *passim.*
16. Risse, Ropp, and Sikkink 1999, chap. 1, tab. 1.1. See also Keck and Sikkink 1998, 3, 28–29.
17. See Klotz 1995a,b; Keck and Sikkink 1998; and Klotz and Lynch 1998, 22.
18. Green and Shapiro 1994, 17–19. In Checkel 2000c, I develop these criticisms in more detail.

Several constructivists sharing this characterization now speak of a process of "strategic social construction," where agents make detailed means/ends calculations, maximize utility, and, reflecting their own normative commitments, seek to change the utility of others. This approach, by itself, is not problematic; however, it has made less clear what the constructivist value added is in such individualist-consequentialist compliance accounts.[19]

The modernist constructivism of interest here is distinguished by its ontology of mutual constitution. Consequential choice mechanisms may be consistent with this ontology, but reconciling it with individualism is difficult. To be fair, where to draw the line between individual and social ontologies is no easy task once we move beyond metatheoretical ideal types. All the same, to talk of strategic actors seeking to change the utility of other agents, and to do so without specifying an intervening process of social interaction, will strike many as individualist.[20]

Despite or because of these biases, the mobilization/protest mechanism has received more attention in studies of norm-driven compliance. However, the broader constructivist literature hints at a second and very different compliance dynamic: social learning. Here, learning and social interaction, rather than political pressure and individual choice, lead to agent compliance with normative prescriptions. These processes appear to be based on notions of complex or double-loop learning drawn from cognitive and social psychology.[21]

Summary

For rationalists, state compliance stems from coercion (sometimes), instrumental calculation (always), and incentives—usually material, but possibly social as well. The choice mechanism is cost/benefit calculations, and the environment is one of strategic interaction in that it is premised on a unilateral calculation of verbal and nonverbal cues. More specifically, "A's expectation of B will include an estimation of B's expectations of A. This process of replication, it must be noted, is *not an interaction* between two states, but rather a process in which decision makers in one state work out the consequences of their beliefs about the world; a world they believe to include decision makers in other states also working out the consequences of their beliefs. The expectations which are so formed are the expectations of one state, but they refer to other states."[22]

Many constructivists, especially those drawing from social movements scholarship, see the causal pathway to compliance in a remarkably similar way; that is, state

19. See Keck and Sikkink 1998, 4–5; and Finnemore and Sikkink 1998, 910–11. For empirical work informed by such a perspective, see Hawkins 1997; Keck and Sikkink 1998; and Barnett 1999. See also Schimmelfennig's discussion of rhetorical action—the instrumental/manipulative use of norms and arguments by rational agents to modify collective outcomes. Schimmelfennig 1999a, 2–3, and 2000, 111.

20. Analytic theorists who study social mechanisms would concur on this point. Hedstroem and Swedberg 1998, chap. 1.

21. See Soysal 1994; Risse-Kappen 1995; Finnemore 1996; Adler and Barnett 1998, 41–45, chap. 4; and Price 1998.

22. Keal 1983, 31 (emphasis added), as quoted in Kratochwil and Ruggie 1986, n.51.

compliance is a function of coercion (social sanctioning) and instrumental calculations (strategic social construction). However, a smaller group of constructivists, as well as cognitive regime theorists and students of the European Union, have suggested an alternative causal pathway, where state compliance results from social learning and deliberation that lead to preference change. In this view, the choice mechanism is noninstrumental, and the environment, to extend the earlier analogy, is one of social interaction between agents, where mutual learning and the discovery of new preferences replace unilateral calculation.

For studies of compliance, the constructivist value added thus clearly lies in this latter causal path. However, given the largely heuristic applications that have dominated to date, the challenge is to theorize and operationalize it—tasks to which I now turn.

Taking Social Interaction Seriously: Learning, Persuasion, and Compliance

Most constructivists probing this preference-change/compliance nexus invoke learning as the mechanism driving it. However, a learning thesis by itself inadequately explains the process of social interaction and choice leading to preference change and subsequent compliance—especially if it draws only upon cognitive psychology, where all the action is "between the earlobes." This leads me to explore argumentative persuasion as a means of modeling this missing social dimension.

My theoretical ambitions are thus twofold. In a negative sense, I show that the learning arguments employed by constructivists are both underspecified and incompatible with their own ontology. In a positive sense, I then draw upon a new (for IR scholars) body of research on persuasion to rectify these problems. From the latter, I deduce hypotheses that mark a novel extension of existing learning approaches. These deductions do not present a full-blown theory of social learning; any such theory would have to include collective and institutionalization variables as well. Rather, my goals are more modest: to focus on the micro- and agency level, thereby theorizing those elements of process and interaction missing in more sweeping accounts of social learning. In an important sense, then, I seek to provide analytic building blocks for these broader, but typically underspecified, approaches.[23]

Learning Theory and Constructivism

What does it mean for an agent to learn? Rationalists and social constructivists answer this question differently. While it is true that rational choice now accords a role to learning, such work falls short of capturing the multiple ways it is causally important in social life. Because most rationalists adhere to a strong form of

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23. For example, Adler 1991; and Adler and Barnett 1998, chap. 2.

methodological individualism, they cannot model the interaction context during which agent interests may change. Indeed, when prominent scholars in this tradition talk of social interactions, they are collapsed into the utility functions of discrete agents.[24]

One consequence of such a stance is to portray learning in strictly individualist terms. For example, some rationalists talk of Bayesian updating, where, after each interaction, actors use new information to update beliefs. In game-theoretic terms, information is acquired through strategic interaction, where the players observe other agents' behavior and then, *at some later point*, use their newly acquired information to update beliefs about the other agents. Employing different language to make the same point, many rational-choice scholars emphasize simple learning, where actors acquire new information as a result of interaction. Actors then use this information to alter strategies, but not preferences, which are given. Not surprisingly, theorizing of this sort conceptualizes communication and language in thin terms—as the cheap talk of agents with fixed identities and interests. The result is to bracket the interaction context through which fundamental agent properties may change.[25]

Given this state of affairs, the constructivist value added should be to explore complex social learning, a process whereby agent interests and identities are shaped through and during interaction. So defined, social learning involves a break with strict forms of methodological individualism; it thus differs from the rationalist work surveyed earlier. Unfortunately, constructivists offer no theory of social learning; instead, they employ a version of individual learning rooted in cognitive psychology and some branches of organization theory.

Indeed, while these scholars hint at processes of persuasion, deliberation, and argumentation as the micromechanisms driving social learning, they fail to theorize them. Moreover, despite their emphasis on mutual constitution, all too many constructivists rely—implicitly—on notions of bounded rationality, learning by doing, and heuristic cueing found in the psychological/organizational learning literatures. Such concepts are decidedly individualist in nature.[26]

Empirical constructivists drawing upon such work have fallen into this individualist trap. Martha Finnemore contends in her excellent study that learning drives compliance, but this learning is asocial and devoid of interaction.[27] UNESCO bureaucrats, in one of her cases, "teach" national civil servants, who then comply with UNESCO's normative prescriptions; however, this occurs through no theo-

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24. Becker 1996, chap. 8–9.
25. Calvert 1995, 256–58. See also Sargent 1993, chap. 1; Levy 1994; Lupia and McCubbins 1998, chap. 2; and Farkas 1998. For excellent discussions of the theoretically incomplete role accorded communication and language in such analyses, see Midgaard 1983 and 1993; and Johnson 1993.
26. On the individualism of the learning literatures in psychology and organization theory, see Stein 1994; Cohen and Sproull 1996, 177, 440–53, 518, *passim;* Farkas 1998, 35–36, *passim;* and Bennett 1999, chap. 3.
27. Finnemore 1996, chap. 2. See also Risse-Kappen 1995; Price 1998, 617, 621–23, 627, 639; Evangelista 1999a, chap. 17; Finnemore 1999, chap. 2, 4; and Schimmelfennig 1999b.

rized—or documented—process of social interaction. Instead, these domestic agents observe, something goes on between the earlobes, and their values subsequently change.

Persuasion and Social Interaction

To theorize these neglected mechanisms of interaction, constructivists should exploit work in social psychology and communications research on persuasion and argumentation. In considering this literature, however, one should keep in mind an important distinction—namely, the fundamental difference between manipulative and argumentative persuasion. The former is asocial and lacking in interaction, often concerned with political elites *manipulating* mass publics, and has a long tradition, extending back to studies by William Riker. With its individualism and emphasis on strategic agency, persuasion of this sort figures prominently in the work of several rational-choice scholars.[28]

In contrast, argumentative persuasion is a social process of interaction that involves changing attitudes about cause and effect in the absence of overt coercion. It is thus a mechanism through which preference change may occur. More formally, it is "an activity or process in which a communicator attempts to induce a change in the belief, attitude, or behavior of another person . . . through the transmission of a message in a context in which the persuadee has some degree of free choice." Here, persuasion is not manipulation but a process of *convincing* someone through argument and principled debate.[29]

The persuasion literature is not without limitations. In particular, much of this work, owing to its disciplinary roots in social psychology, proceeds inductively. Consequently, it fails to develop middle-range theory specifying scope conditions. I advance five such conditions under which agents should be especially open to argumentative persuasion and thus to compliance explained by preference change; however, given the inductive approach and occasional contradictions in the literature, these should be viewed as preliminary.[30]

HYPOTHESIS 1: ARGUMENTATIVE PERSUASION IS MORE LIKELY TO BE EFFECTIVE WHEN THE PERSUADEE IS IN A NOVEL AND UNCERTAIN ENVIRONMENT—GENERATED BY THE NEWNESS OF THE ISSUE, A CRISIS, OR SERIOUS POLICY FAILURE—AND THUS COGNITIVELY MOTIVATED TO ANALYZE NEW INFORMATION.[31]

28. See Gibson 1998, 819, *passim*; and Moravcsik 1999, 272, 281. See also Riker 1986; and Evangelista 1999b.
29. Perloff 1993, 14. See also Zimbardo and Leippe 1991, chap. 4–6; Mutz, Sniderman, and Brody 1996, chap. 1, 5–6; and Lupia and McCubbins 1998, chap. 3. A focus on persuasion may thus be a productive way of building bridges between rationalists and constructivists. On this point, see Lynch 1999, 12.
30. See Zimbardo and Leippe 1991, 37; Mutz, Sniderman, and Brody 1996, 8; and Cobb and Kuklinski 1997, 96.
31. Zimbardo and Leippe 1991, 225.

HYPOTHESIS 2: ARGUMENTATIVE PERSUASION IS MORE LIKELY TO BE EFFECTIVE WHEN THE PERSUADEE HAS FEW PRIOR, INGRAINED BELIEFS THAT ARE INCONSISTENT WITH THE PERSUADER'S MESSAGE. PUT DIFFERENTLY, NOVICE AGENTS WITH FEW COGNITIVE PRIORS WILL BE RELATIVELY OPEN TO PERSUASION.[32]

HYPOTHESIS 3: ARGUMENTATIVE PERSUASION IS MORE LIKELY TO BE EFFECTIVE WHEN THE PERSUADER IS AN AUTHORITATIVE MEMBER OF THE IN-GROUP TO WHICH THE PERSUADEE BELONGS OR WANTS TO BELONG.[33]

HYPOTHESIS 4: ARGUMENTATIVE PERSUASION IS MORE LIKELY TO BE EFFECTIVE WHEN THE PERSUADER DOES NOT LECTURE OR DEMAND BUT, INSTEAD, "ACTS OUT PRINCIPLES OF SERIOUS DELIBERATIVE ARGUMENT."[34]

HYPOTHESIS 5: ARGUMENTATIVE PERSUASION IS MORE LIKELY TO BE EFFECTIVE WHEN THE PERSUADER-PERSUADEE INTERACTION OCCURS IN LESS POLITICIZED AND MORE INSULATED, PRIVATE SETTINGS.[35]

Several comments are in order. First, the validity of these deductions is greatly enhanced by the degree to which they overlap with the results of laboratory experimental work conducted by other social psychologists. In repeated, large-scale experiments, this research shows that discussion and persuasion within small groups consistently promote feelings of group identity. Second, not all persuasion and subsequent social learning are good. Indeed, there are clear parallels between this work and a new generation of research on "groupthink," with the latter best viewed as a special type of (suboptimal) social learning.[36]

Third, consistent with the bridge-building spirit that inspires this project, several of my hypotheses supplement those offered by rationalists. Consider hypotheses 1 and 2. A rationalist might argue that these are sufficient for explaining learning from a Bayesian perspective, where it occurs when priors are ill-formed (hypothesis 1) or agents are receptive (hypothesis 2). Yet for the Bayesian this learning happens in a context devoid of meaningful social interaction—that is, it takes place largely irrespective of what other actors say or do during interaction. Here, in contrast,

32. See Zimbardo and Leippe 1991, 144–53; Mutz, Sniderman, and Brody 1996, 161–62; Gibson 1998, 833, 835; and Schoppa 1999, 309–10. See also Stryker 1980; Barnett 1993; Meyer and Strang 1993; and Egeberg 1999, 458–61.

33. See Jorgensen, Kock, and Rorbech 1998, 287; Johnston 1998a, 16–25; Lupia and McCubbins 1998, 55; and Schoppa 1999, 312–13.

34. See Jorgensen, Kock, and Rorbech 1998, 297 (for quote); Mutz, Sniderman, and Brody 1996, 154; and Payne 1999, 17.

35. See Elster 1991, 46–47; Pierson 1993, 617–18; Frost and Makarov 1998, 776; Zürn 1998b, 10; and Elster 1998, 109–11.

36. t'Hart, Stern, and Sundelius 1997. On the laboratory experiment results, see the work of John Orbell and his collaborators: Van de Kragt, Orbell, and Dawes 1983; Dawes, Van de Kragt, and Orbell 1988; and Orbell, Dawes, and Van de Kragt 1988 and 1990.

uncertainty (hypothesis 1) or noviceness (hypothesis 2) are by themselves not sufficient for *social* learning to occur. Rather, they make it more likely that an agent will be convinced and thus learn through processes of communication and persuasion that occur during the interaction between a persuader and persuadee (hypotheses 3–5).[37]

Fourth, implicit in the hypotheses are historical and institutional variables, with hypothesis 2 emphasizing the importance of noviceness, and hypothesis 5 the role of institutional setting. All else equal, agents with less historical/cognitive baggage in more insulated institutional settings will be more open to argumentative persuasion, and thus to norm-driven compliance/preference change. For a study such as mine, which examines processes of national-level compliance, this suggests once again the critical importance of integrating domestic political factors into constructivist frameworks.[38]

Summary

My focus on persuasion begins to operationalize the roles of communication and social interaction implicit but undertheorized in constructivist compliance studies. By moving beyond an emphasis on instrumental action and strategic exchange, it also broadens the rationalist compliance tool kit. Such theoretical specification and broadening matters. Indeed, two practitioner-scholars with extensive experience in the world of compliance diplomacy go so far as to call persuasion the "fundamental instrument" and "principal engine" for securing compliance. While this is overstated, it does alert us to our impoverished analytic tool kit for exploring its role.[39]

This microlevel look at compliance thus expands our repertoire of answers to the question "Why do social actors comply?" In some cases, they do so by learning new interests through noninstrumental communication and persuasion. The ontology and understanding of social reality here is not individualist, but relational; I take seriously dynamics of social interaction. Moreover, this approach is not method driven. It develops scope conditions recognizing that compliance driven by persuasion often does *not* occur. This leaves plenty of analytic space for rationalist arguments, as the cases that follow demonstrate.[40]

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37. Put differently, the real constructivist value added comes in how the last three hypotheses add social context and interaction to the first two.

38. As a sympathetic critic has recently noted, this still stands as a central challenge for constructivists. Sterling-Folker 2000, 113–16, *passim*. See also Cortell and Davis 2000.

39. Chayes and Chayes 1995, 25–26. My focus on persuasion dovetails with a revitalization of the "international legal process" tradition within international law. Koh 1997, 2636–37, pt. 3.

40. See Hurd 1999, 401, *passim*; and Underdal 1998, 23. On relational ontologies, see Ruggie 1998a, 4; and the symposium on rational choice theory in the *American Journal of Sociology*, especially Somers 1998; and Sterling-Folker 2000, 110.

Methods: Measuring Persuasion/Learning and Social Sanctioning

To document the processes and motivations through which agents comply with norms I use process tracing, where one seeks "to investigate and explain the decision process by which various initial conditions are translated into outcomes [compliance, in this case]." I employed three techniques to operationalize the method.[41]

First, I interviewed eighty-five people who were participants in contemporary policy debates, seeking to ascertain their awareness of emerging European norms on membership and citizenship and, more important, whether/why they comply with the norms' prescriptions. In designing the interviews, I sought to capture both temporal and intersubjective dimensions. On the former, I interviewed and then re-interviewed the same individual at two different times (so-called panel samples) whenever possible. Intersubjectively, I asked interviewees "to step outside" their own thought processes and to characterize the context of their social interaction. Especially for those who had been in one-on-one or small-group settings, I suggested four possible ways to portray the dynamics: coercion, bargaining, emulation, and persuasion/arguing. Interviewees were then asked to rank the various possibilities and to consider whether their rankings changed over time.[42]

Second, as a supplement and check on interview data, I performed a qualitative content analysis of major media and specialist publications (such as international law journals and NGO reports), as well as confidential documents (from the Council of Europe, in this case). This enabled me to check the beliefs and motivations of particular individuals who were both interviewees and participants in public debates.[43]

Third, I modeled a key temporal dimension: the evolution of domestic norms in my policy area (citizenship and minority rights). Why this particular focus? Given my interest in compliance driven by emerging European norms, I thought it important to ask what might hinder compliance. My hunch—inspired by hypothesis 2—was that historically constructed domestic identity norms create barriers to agent learning from regional/systemic norms. Furthermore, drawing upon historical institutionalism, I argue that these norms, when they become institutionalized, gain particular staying power and political influence. To measure the degree of institutionalization I use indicators that are both bureaucratic (norms embedded in organizations) and legal (norms incorporated into judicial codes, laws, and constitutions).[44]

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41. See George and McKeown 1985 (for quote); Wohlforth 1998, 658, 673–70; and McKeown 1999, 173–74.

42. On panel samples, see Mutz, Sniderman, and Brody 1996, 2.

43. On the legitimacy and feasibility of these first two techniques, see Hurd 1999, 382, 390–92; and Zürn 1997, 298–302. See also Moravcsik 1998, 77–85, on "hard" and "soft" primary sources. For a complete list of the Council of Europe documents, see Checkel 2000a, 22–24.

44. See Steinmo, Thelen, and Longstreth 1992; Katzenstein 1993; and Goldstein 1993.

Together, these techniques multiply the observable implications of my approach and allow me to triangulate when assessing the degree to which, and through what mechanism(s), agent preferences change as a result of interaction. This use of process tracing, as well as alternative and counterfactual explanations, allows me to minimize reliance on "as if" assumptions at the national/agent level. I thus shrink the black box surrounding the social interaction context.[45]

The last comment raises an important issue. Empirically, can one disentangle compliance driven by persuasion and social learning from that driven by calculating, self-interested strategic adaptation or that driven by passive, cognitively simplifying imitation? A first response to this query is methodological. By using multiple, process-oriented techniques I can reconstruct actual agent motivations, as well as introduce a degree of cross-checking. A strategically dissimulating interviewee who was just "feeding me a line" about being persuaded would likely offer different motivations and justifications for his or her act of compliance in other, more private or public settings. Put differently, consistency across contexts, or what has been called the "norm of consistency," is a strong indicator that an agent sees himself or herself in a genuinely persuasive interaction. Likewise, a cognitive-miser/emulating agent should, across various settings, offer little substantive argumentation or reasoning to explain compliance, for it was simply an economic way of reducing uncertainty in the environment.[46]

A second response questions the role of assumptions in theory building. Ever since Robert Merton's pioneering work in the late 1940s, social theorists have argued that the middle-range frameworks of interest here can only be constructed by elaborating social mechanisms that shrink the gap between "input" and "output." In turn, this requires one to minimize use of the "as if" assumptions that play such important roles in both rationalist and (more surprisingly) constructivist studies of compliance. As one theorist has argued,

> The fact that we can construct an "as if" story in any situation to reconcile behavior to a self-interest explanation does not mean that self interest should be our default position either, unless we can establish that the story is more compelling as an account of *actual* motivations than that offered by other theories.[47]

The choice-theoretic critique of those who study preference formation is a well-taken and cautionary reminder of the difficulties involved in the enterprise. However, criticism should not be allowed to become dogma, especially if one desires to model and explain the social world as it really works.[48]

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45. Raymond 1997, 219–22.

46. See Elster 1991, 19–20; and Powell and DiMaggio 1991, 69–70, respectively.

47. Hurd 1999, 392 (emphasis in original).

48. I thus agree with those scholars who favor a process-oriented, relational perspective on theory building—Merton [1949] 1968, chap. 2; Johnston 1998a; Hedstroem and Swedberg 1998, 7–9, 25; Jackson and Nexon 1999; and Bernstein et al. 2000, 49–52, *passim*.

The cases that follow are best viewed as plausibility probes and not as rigorous tests of my persuasion framework. Methodologically, two cases do not allow for a sorting or controlling of the five hypotheses. Theoretically, contradictions and inconsistencies within the persuasion literature make systematic testing difficult at this stage; instead, the strategy is one of abduction, where initial hypotheses are refined in light of subsequent empirical research. Practically, given my micro-, process-oriented approach and its attendant data requirements, adding additional cases would be difficult and time consuming.[49]

The two cases, Germany and Ukraine, were not chosen randomly. Rather, they load on two of the key persuasion variables—historical context and institutional setting—in different ways. Specifically, the German case should provide evidence of norm-driven compliance as a process of cost/benefit calculation and social sanctioning (dynamics consistent with rationalism), and the Ukraine case should provide evidence that persuasion and social learning play greater roles (dynamics consistent with constructivism).

Germany: Compliance Through Social Sanctioning and Instrumental Choice

The German case highlights the importance of institutional variables in explaining compliance mechanisms and outcomes; it also highlights the role instrumental choice mechanisms play in the social sanctioning dynamic so often emphasized by constructivists.[50]

History and Institutions Matter

European norms on citizenship and membership are evolving in a more inclusive direction, with emphasis on broadened understandings of both citizenship and the rights of national minorities; in particular, the revised Council of Europe norms promote inclusion by facilitating dual citizenship. In Germany, dual citizenship would further the assimilation of the large foreigner population. For many decades, German law required immigrants and foreigners seeking German citizenship to give up citizenship in their homelands, an obstacle to integration because many were unwilling to do this. For many in the foreigner community, the importance of dual citizenship was so great that they acquired it through illegal methods that contravened German law.[51]

By the mid-1990s the lack of fit between these changing regional norms and ideas of identity and citizenship held by many Germans was significant. Although there

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49. On plausibility probes, see George 1979; on abduction, see Ruggie 1998a, 94–95.
50. Field work for the German case was conducted in March 1995, June–August 1995, May 1996, and August 1996–January 1998.
51. *Die Zeit*, 27 March 1997.

are clear historical reasons why these ideas took hold in Germany, the important point is that they were reinforced over time and were institutionalized in domestic laws and institutions. Through March 1999, for example, the German citizenship statute continued to be based on a "Law on Imperial and State Citizenship" dating from 1913, and an ethnic conception of identity was maintained throughout the German legal system—notably in Article 116 (1) of the Basic Law, the postwar German constitution. Indeed, the ethnic core of the 1913 citizenship law was reproduced in the Basic Law through a so-called *Nationalstaatsprinzip* (the nation-state principle), which makes very clear that there is a material core (that is, blood ties) connecting a citizen and his or her nation.[52]

Why bother with this history and background? I do so for a straightforward theoretical reason. Hypothesis 2 suggests that a key variable affecting whether agents comply with regime norms through processes of persuasion and social learning will be their cognitive priors and, more generally, their broader normative environment. In particular, for cases like the German one, where there is a degree of mismatch between regional and institutionalized domestic norms, one should expect heightened levels of normative contestation and a short-circuiting of social learning as agents find themselves in multiple (domestic, regional) institutional settings that evoke conflicting roles. Compliance through sanctioning and cost/benefit analysis should thus be more likely.

Social Sanctions and Mobilization

An upsurge of social protest and mobilization occurred in the 1990s regarding questions of citizenship and resident foreigners in Germany, with the liberal media, churches, trade unions, and grassroots citizens' initiatives playing key roles. I present two examples of such mobilization, documenting the extent to which Council of Europe/European norms promoted it and, at a microlevel, exploring how these norms affected domestic agents.

Churches have been an important social force helping to mobilize pressure and peaceful protest. By the mid-1990s the governing bodies of the Protestant, Evangelical, and Catholic denominations had all called for Germany to adopt an immigration and integration policy for its resident foreigners, including acceptance of dual citizenship and a move to greater elements of *jus soli* in German law. The Evangelical church in Berlin produced flyers on dual citizenship, making its case by referring to European norms and recent work by the Council of Europe, among other factors. In the best German corporatist tradition, the churches also participated in conferences and policy networks on issues of foreigners' rights.[53]

A grassroots citizens' initiative also played a key role in mobilization. Seizing a policy opportunity created by antiforeigner violence after German unification, a

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52. Kreuzer 1997, 2. For background, see Kanstroom 1993.

53. See *Die Zeit*, 18 November 1994; Handreichung zum Thema: Doppelte Staatsbuergerschaft (Berlin 1995); and *GermNews*, 7 January 1999.

group of Berlin activists orchestrated in 1992 an initiative specifically focused on the need for dual citizenship in German law. They gathered over one million signatures in what was a textbook example of how to mobilize public pressure on a specific policy issue.[54] The campaign coordinated its actions with other social actors, collected signatures from prominent German academics and public figures, and secured free publicity in the centrist-liberal German press. Moreover, evolving European ideas favoring inclusive conceptions of citizenship played an important role. Those collecting signatures pointed to such changing norms; as well, the campaign distributed an information sheet noting that Germany's refusal to recognize dual nationality made it "an international exception."[55]

These examples confirm that regional norms can promote national compliance by sparking a process of social sanctioning and mobilization. But how did this occur at the agent level? Why were social actors complying with normative injunctions? My interviewing, fieldwork, and document/media analysis reveal that in the majority of cases (trade unions, press, churches), agents were using Council of Europe norms to pursue given ends. These norms were an additional tool that could be used to generate pressure on government policymakers, who then engaged in cost/benefit calculations. The church activists I interviewed certainly viewed the role of norms in this instrumental manner. After all, they had long been interested in questions of citizenship reform and integration; they thus saw Council of Europe norms as an additional weapon for shaming and pressuring recalcitrant political elites in Bonn and Berlin. In a second case, the leader of a new Turkish immigrant NGO in Berlin was (quite literally) thrilled when I showed him a draft of the new Council of Europe treaty on citizenship. Why this reaction? It gave him "additional ammunition for making his case" that Germany should relax its strict citizenship laws.[56] Put differently, large parts of the compliance dynamic were consistent with key elements of a more enlightened rational-choice argument, where a consequentialist choice mechanism is integrated with a social ontology that allows agents to pursue nonmaterial goals. My German study thus provides strong confirming evidence for rationalist explanations of state compliance with norms of the European human-rights regime.[57]

At the elite level, there is little evidence of regional norms reconstituting agent interests through persuasion and argumentation. This was especially true among older policymakers socialized in postwar values and institutions, where an ethnic conception of Germanness prevailed. (In other words, they carried significant

54. *Unser Ziel: 1 Million Unterschriften fuer die doppelte Staatsbuergerschaft* (Berlin, n.d.). Interviews by the author with Ismail Kosan, member of the Berlin Parliament, Buendnis 90/Die Gruenen Fraction, May 1996; and Andreas Schulze, staff member, Office of F. O. Wolf, German member of the European Parliament, Berlin, May 1996.

55. Informationen zum deutschen Staatsbuergerrecht: Doppelstaatsbuergerschaften (Berlin, n.d.).

56. Interviews by the author with Thomae-Venske, Commissioner for Foreigners' Affairs, Evangelical Church of Berlin-Brandenburg, May 1996; and Safter Cinar, speaker, Tuerkischer Bund in Berlin/Brandenburg, May 1996, respectively.

57. See Moravcsik 1995 and 2000.

cognitive priors, corroborating hypothesis 2.) The attitudes of former chancellor Helmut Kohl are a case in point. In the face of social mobilization and persuasive appeals, he clung to his (increasingly outdated) views. As late as the fall of 1997, he was vehemently warning against "yield[ing] on the question of double citizenship."[58]

Instead, one sees hints of more deliberative and persuasive processes only with younger politicians, such as the "young wild ones" in the Christian Democratic Union or the newer generation of leaders epitomized by the Blairite, "third-way" Chancellor Gerhard Schroeder, all individuals with fewer cognitive priors (hypothesis 2). For example, several members of the young wild ones claim they began to rethink their views on citizenship after debate and discussion with immigrant groups, who helped them to appreciate that German policy needed to be brought into line with "European standards."[59]

An additional factor militating against persuasion as an important compliance dynamic was the institutional setting within which German policymakers operated. The Federal Republic is a robust, functioning democracy, where decision makers are subjected to daily pressures and appeals. This low degree of political insulation, which reduces the possibilities for private, in camera, interaction, worked against effective persuasion and social learning at the agent level (hypothesis 5).

My analysis implies that publicity and social input work *against* learning, which may strike some as odd and, perhaps, antidemocratic. Yet crucial here is time scale, with my interest being the near term. In this case and as the earlier propositions suggest, publicity may very well work against persuasion's causal effect. In the longer term, it is possible that "the civilizing force of hypocrisy" caused by public deliberations or the "rhetorical self-entrapment" of agents operating in an intensely politicized environment may lead them to act and speak as if they have been persuaded and have learned. However, only further process-oriented, agent-level empirical research can determine whether this is the case.[60]

Alternative Explanations and Counterfactuals

Perhaps a rationalist/materialist perspective better accounts for this lack of constitutive, interest-reshaping compliance, especially at the elite level. Simply put, Germany is a social-welfare state; broadening citizenship expands the claimants on resources. At a time of economic uncertainty (slow industrial recovery, weakening euro) and high levels of unemployment, the materialist logic of the situation is to keep foreigners permanently in their temporary status. There are several difficulties with such an argument. Because of the generous nature of the postwar German state, foreigners, even as noncitizens, enjoy many of the same social and welfare benefits

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58. *Frankfurter Rundschau*, 31 October 1997.
59. *Frankfurter Allgemeine Zeitung*, 16 April 1996. See also *Die Zeit*, 18 April 1997; *Sueddeutsche Zeitung*, 23 April 1997; and *Die Zeit*, 15 August 1997.
60. See Elster 1998, 109–11; and Risse, Ropp, and Sikkink 1999, 25–28.

as citizens (though they lack full-fledged political rights). Furthermore, interview and media analysis revealed very few instances where such arguments were advanced to explain opposition to integrating resident foreigners. In fact, materialist reasoning of this sort is more typically invoked when the discussion turns toward future flows of immigrants. Former Interior Minister Kanther often made precisely such a distinction when discussing integration measures (resident foreigners) as opposed to immigration policy (future foreigners).[61]

Counterfactual analysis further sharpens my analytic claims, especially if the German story is extended to the present. Indeed, after reading my description of a compliance process notable for its absence of persuasion and interest redefinition, the knowledgeable reader might exclaim Wait a minute! After all, things changed dramatically after the September 1998 federal elections, when the Christian Democratic/Christian Social coalition was replaced by a Social Democratic/Green coalition. In early 1999, the new government legislated far-reaching changes to Germany's citizenship laws that began to redefine the boundaries of "Germanness." Among other things, these liberalizing provisions allowed for dual citizenship, albeit for a limited period, after which immigrants must choose German nationality or that of their "home" country.[62]

A strong correlation exists between the content of the Social Democratic/Green proposals, on the one hand, and the prescriptions embedded in emerging Council of Europe norms and the reforms earlier advocated by numerous movements in Germany, on the other. Given the identity-shaping nature of these changes, they would seem to be prima facie evidence of a more constitutive compliance dynamic, where persuasion and social learning played greater roles. Yet correlation does not imply causation, and I am skeptical of any strong claims along these lines. The shift in policy also correlates with a dramatic changeover at the elite level. The election of Social Democrat Chancellor Schroeder signals the arrival of a truly postwar generation of German politicians. This sort of generational change is often a key causal variable behind radical policy shifts, especially at the ideational/normative level highlighted here.[63] Methodologically, however, asking the counterfactual is still important: In the absence of new regional norms and domestic social pressure, would a modern industrial democracy such as Germany liberalize its citizenship laws? That is, could liberalization look like compliance when in fact something else was at work? There are reasons to expect the answer might be yes.

Observers have argued that immigration/nationality policy in liberal states has a built-in bias toward becoming more expansionist and inclusive over time. Immigration/nationality policy is dominated by client politics, where small and often well-organized employer, human-rights, and ethnic groups work with state officials outside public view to promote more inclusive membership policies. The general

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61. *Sueddeutsche Zeitung*, 11 April 1997, for example.

62. Koalitionsvertrag 1998, part IX. See also Der Kampf um die Paesse, *Der Spiegel*, 11 January 1999; Deutsche und Auchdeutsche, *Die Zeit*, 4 February 1999; and *Financial Times*, 1 June 1999.

63. Stein 1994, 162–63, *passim*.

public typically opposes immigration, but its opposition is diffuse; in contrast, immigrant advocacy groups tend to have more concentrated interests. Collective action problems thus explain (1) the public's inability to bring about more restrictive change, and (2) why the preferences of the better-organized liberal interest groups tend to prevail.[64]

The foregoing suggests that domestic factors—client politics and generational turnover—rather than norm-driven dynamics account for much of this seemingly constitutive outcome and thus does not alter the largely rationalist compliance story outlined here.

Ukraine: Compliance Through Social Learning and Argumentative Persuasion

Social sanctioning has played a minor role in promoting norm-driven change in Ukraine. Council of Europe norms have mattered most at the elite/state level, where compliance has been more a function of persuasion and learning. The absence of transnational networks seeking normative change could skew the results. However, since 1989, and in many cases long before, a wide range of actors have targeted human-rights practices in post-Soviet states—in particular, international organizations such as the Council of Europe, the Organization for Security and Cooperation in Europe, and more recently the European Union; numerous international NGOs; and wealthy industrialized democracies that have crafted assistance programs designed to empower new social actors in transition polities. In principle, the network was in place to spur compliance through a process of sanctioning and mobilization.[65]

Yet mobilization has not occurred. Rather, owing primarily to the efforts of a small number of individuals and units within the state, Ukrainian discourse and law on citizenship and rights issues have changed in ways consistent with emerging Council of Europe norms on national membership. Most important, Ukraine has created a civic definition of citizenship, which helped policymakers craft one of the more liberal minority-rights regimes in the former Soviet area. A decree and law on national minorities permitting a high degree of cultural autonomy were promulgated. In addition, civic conceptions of citizenship and minority rights were explicitly embraced in the new constitution adopted in June 1996. The analytic challenge is to explain this pattern of (apparent) constitutive compliance.[66]

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64. See Freeman 1998, 101–104; and Joppke 1998.

65. Interviews by the author with Directorate of Human Rights, Council of Europe, April 1997 and November 1998. See also Mendelson 1998; Thomas 1999; and Mendelson and Glenn 2000. My Ukrainian fieldwork was conducted in May 1994 and June 1997.

66. See Markus 1996a,b; *Economist*, 6 July 1996; Korshak and Sych 1998; and Basiuk 2000, 40–41. For background, see Wilson 1996; and Wolchik and Zviglyanich 2000, intro.

Historical Context and Institutional Setting

Historical legacies in Ukraine, compared with those in Germany, facilitated compliance driven by persuasion and subsequent interest redefinition. This is seen in two ways. First, many of the Ukrainian agents who dealt with the Council of Europe were novices with few ingrained conceptions of nationality and citizenship (hypothesis 2). Noviceness was a direct consequence of the Soviet practice of making major policy decisions in Moscow. The Soviet Union thus bequeathed Ukraine few qualified "home-grown" personnel of its own.

Consider the role played by Petro Chaliy, head of the Citizenship Department in the presidential administration. Before assuming this position, he was a researcher at the Institute of State and Law of the Ukrainian Academy of Sciences; his scholarly work examined constitutional law and local self-governance. Within the government, Chaliy therefore found himself in an unfamiliar position and uncertain environment (see also hypothesis 1), dealing with issues of first principle: the fundamental normative guidelines for Ukraine's conception of membership. Chaliy's German counterpart, in contrast, was a mid-level Interior Ministry official who had dealt with citizenship/membership issues for many years.[67]

Second, agents like Chaliy operate in a historical context where a defining feature is Ukraine's lack of a developed sense of national identity. Indeed, Ukraine has had nothing approaching an independent existence for over three hundred years. Given these conditions, it is not surprising that elites genuinely puzzle over what it means to be Ukrainian. Defining what Ukrainian identity is not is easy: It is not Russian or, even less, Soviet. Much more difficult is to define their identity in positive terms. This ambiguous historical legacy interacts with and reinforces the noviceness argument. Here, too, Ukraine contrasts starkly with Germany. In the 1990s Germans were debating changes to citizenship against the backdrop of a well-articulated national identity over a hundred years in the making.[68]

As for institutional setting, a necessary starting point is the Soviet period, during which union republics like Ukraine were more centralized in terms of decision-making authority and more autonomous from social actors than even the main state structures in Moscow. Not surprisingly, this fact has affected institutional developments in independent Ukraine. Compared with the increasing pluralism of contemporary Russian politics, Ukraine appears authoritarian. More specifically, decision making in many policy areas remains highly centralized, and a large gap separates the state from society. In particular, the autonomous and insulated nature of Ukrainian state institutions, minimizing the exposure of administrative elites to

67. Interviews by the author with Petro Chaliy, head, Citizenship Department, Presidential Administration, Kiev, June 1997; and German Ministry of Interior, March and August 1995.
68. On the Ukrainian historical context, see Von Hagen 1995; and Laba 1996, 12–13. On the German historical context, see Brubaker 1992.

friction, creates the functional equivalent of the in camera settings said to promote argumentative persuasion (hypothesis 5).[69]

Persuasion and Social Learning

Against this background, a key factor facilitating constitutive compliance dynamics was the June 1993 establishment of an Interdepartmental Commission for Questions of Ukraine's Admission to the Council of Europe. It was based at the Foreign Ministry and headed by then First Deputy Foreign Minister Boris Tarasyuk. The commission played a major role in citizenship and rights issues, and Tarasyuk was a progressive force. Those who dealt with him described him as a creative thinker who encouraged subordinates to seek out new ideas and approaches. As the commission met repeatedly and out of the public eye (hypothesis 5) over the course of two years, Tarasyuk's own unclear preferences (hypothesis 2) led him to use it as a vehicle for soliciting advice on rights issues from within Ukraine and from the international community.[70]

Moreover, Chaliy—the novice, liberal-minded former academic who had been appointed head of the Citizenship Division within the presidential administration—gathered around him those who were open to regional norms and the prescriptions they embodied. Their views mattered because in the top-heavy Ukrainian state, the presidential administration plays a dominant role in policymaking.[71] According to participants in the work of both Tarasyuk's commission and Chaliy's division, the expertise of the Council of Europe and the norms it promotes were central to shaping nationality laws and policies. Several components of the minorities law, for example, are modeled on the Council's European Convention on Human Rights.

Process tracing of this sort allows me to move beyond correlations and establish a causal role for Council of Europe norms. More important, it reveals the dominant mechanism—persuasion and social learning—through which Ukrainian agents came to comply with these norms. Tarasyuk and Chaliy are examples of moral entrepreneurs—individuals open to learning from norms and willing to promote them. However, the promoters of these norms were not NGOs utilizing a politics of social sanctioning but rather regional experts and Ukrainians engaging in a calm dialogue, where exploration and arguing, and not lecturing, were the rule (hypothesis 4). These experts were mainly capable and committed staffers from the Council

69. See also Burakovsky 1999.

70. Interviews by the author with Ukrainian Foreign Ministry, Kiev, May 1994; and Political Directorate, Council of Europe, April 1997. On Tarasyuk's open-mindedness, see *Golos Ukrainy*, 3 February 1999, for example.

71. See Carlsen and Gorchinskaya 1998; and Burakovsky 1999. On Chaliy, see interviews by the author with Petro Chaliy, Kiev, June 1997; and Valeriy Hrebenyuk, Chief Advisor for International Law and Organizations, Directorate of Foreign Policy, Presidential Administration, Kiev, June 1997; see also P. Chaliy, The Right to Citizenship, *Uryadovy kurier*, 10 June 1997.

of Europe, that is, "authoritative members of the in-group to which the persuadee . . . wants to belong" (hypothesis 3).[72]

Several strands of evidence support this persuasion/preference-change argument. In the case of Chaliy, key conditions said to promote persuasion (noviceness, private setting, lack of lecturing) were in place. And interviews with Chaliy, his associates, and Council of Europe staff all stress dynamics more consistent with persuasion than with a hard-headed bargaining game. When interviewees were given a range of possibilities to characterize their interactions—from diplomatic bargaining to deliberation/persuasion over principled arguments—the majority chose the latter. Phrases such as "changing people's minds" (Chaliy), "rethinking views" (Council of Europe staff member), and "the power of arguments" (Hrebenyuk, Chaliy) figure prominently in their accounts.[73]

Finally, in Chaliy's case, one can control for the possibility of strategic dissimulation on the interviewee's part. In particular, Chaliy has written or co-written several reports and newspaper articles in which the story he tells is remarkably similar to interviewees' accounts; that is, compliance with emerging Council of Europe norms on citizenship/membership was less a process of strategic adaptation than of learning new understandings of nationality. While not dismissing power asymmetries or Ukraine's strategic interests, Chaliy and his co-authors stress that the more important "game" was for a new state such as Ukraine to learn and be persuaded about the appropriate nationality standards for a multiethnic, transitional polity.[74]

My argument here is not that individuals like Chaliy or Tarasyuk—once convinced of the need for inclusive nationality laws—persuaded the whole country or built a robust political alliance for change. Indeed, some Ukrainian nationalists and political parties held and continue to hold ethnically exclusive views on nationality and citizenship. Rather, I argue that the Soviet-type institutional structure of contemporary Ukraine—its relative centralization and autonomy—allowed changing individual beliefs to play a greater causal role in promoting policy change than might be the case in more pluralist settings.

72. On the importance of in-group/out-group dynamics, see also Gurowitz 1999. On moral entrepreneurs, see Nadelmann 1990; Finnemore 1996; Florini 1996, 375; and Finnemore and Sikkink 1998, 896–901.

73. Interviews by the author with Petro Chaliy; Valeriy Hrebenyuk; Halyna Freeland, Counsel to the Chairman, Ukrainian Legal Foundation, Kiev, June 1997; Secretariat, Council of Europe, December 1999; and Olexandre Kupchyshyn, Ambassador of Ukraine to the Council of Europe, Strasbourg, December 1999.

74. See Petro Chaliy, Citizenship of Ukraine: Amendments to the Legislation and Their Implementation, *Uryadovy kurier*, 3 March 1998; and Petro Chaliy, Conformity of the Ukrainian Law on Citizenship to the European Convention on Nationality (Conference Report, Kiev, 1998). See also the later discussion of alternative and counterfactual explanations.

The (Non-) Role of Social Sanctioning

Moving beyond the elite level, an important issue is the relative absence of compliance spurred by social sanctioning. Europe possesses a robust and large human-rights network, so the necessary conditions for the mobilization of transnational/domestic pressure would seem to be in place. However, for three reasons such mobilization has largely failed.

First, the Ukrainian NGO community, when compared to its Western, Asian, or even Russian counterparts, is extraordinarily young. Most NGOs are only four to five years old and are often run by one person. Inexperienced staff with poor networking skills weaken their ability to mobilize public pressure. Even when NGOs do orchestrate pressure campaigns, the Ukrainian press often fails to cover them due to its inexperience and poorly developed state, further compounding NGOs' organizational problems.[75]

Second, NGOs in Ukraine are operating in an inhospitable fiscal and political environment. The current taxation and incorporation laws make it virtually impossible for them to survive unless they engage in commercial activities that consume valuable time and energy. The political setting as well has worsened in recent years, with many NGOs and activists complaining of a growing gap between governmental structures and civil society.[76]

Third, Ukrainian NGOs have a structural disincentive to engage in social sanctioning. With many ties to individuals newly installed in state institutions, exploiting these personal contacts in an effort to exert behind-the-scenes influence through persuasion and argumentation makes good strategic sense. Unfortunately, this mechanism for pursuing norm-driven compliance is unreliable, given the rapid personnel turnover in many government departments. NGOs were ecstatic when Serhiy Holovaty, a founding father of the Ukrainian civil-society movement, was appointed Minister of Justice in September 1995, but he was removed less than two years later in a government reshuffle.[77]

Involuntary Noncompliance

At this point in the analysis, one might consider Ukraine a success story. Yet more recent events paint a different picture, again suggesting the importance of integrat-

75. Interviews by the author with Natalie Belitser, coordinator, Center for Pluralism, Pylyp Orlyk Institute for Democracy, Kiev, June 1997; Halyna Freeland and Natalia Kravets, counsel to the chairman and executive director, respectively, Ukrainian Legal Foundation, Kiev, June 1997; Olga Kornienko, program coordinator, Ukrainian Center for Human Rights, Kiev, June 1997; Oleksandr Pavlichenko, director, Center for Information and Documentation of the Council of Europe in Ukraine, Kiev, June 1997; and Serhiy Holovatiy, Ukrainian Minister of Justice, Kiev, June 1997. On press passivity, see Carlsen and Gorchinskaya 1998.

76. See Ways to the European Court Remain Undiscovered by Ukrainians, *Golos Ukrainy*, 8 October 1998; Jaroslav Koshiw, Ukraine About to Be Shut Out of Europe, *Kyiv Post*, 18 December 1998; and Test na Evropu, *Den*, 24 May 1999.

77. *Financial Times*, 22 August 1997. On the strategic incentives of domestic NGOs more generally, see Bob 1998.

ing institutional variables into studies of compliance. Indeed, the same agents who had learned new preferences on human rights and citizenship seemed unmotivated to ensure that proper bureaucratic machinery was in place to implement laws and policies based on these preferences. However, given the centralization of state structures and consequent autonomy from key social actors, they had few strategic incentives for worrying about such matters.[78]

Not surprisingly, as the 1990s progressed Ukraine went from being one of the Council of Europe's rising stars to something more akin to a "problem child." Problems arose in citizenship policy (in the case of the Crimean Tartars), minority rights (status of the Russian language), and human rights (penal reform and the death penalty). My argument is not that Ukrainian policymakers had "unlearned" their new preferences; rather, incentives flowing from the institutional context led them unintentionally to undercut Ukraine's ability to comply with Council of Europe prescriptions. Specifically, the institutional incentive structure inherited from the Soviets generated unintended consequences, namely, inattention to implementation mechanisms. The result was what students of compliance have called "involuntary noncompliance."[79]

Alternative Explanations and Counterfactuals

I have argued that Ukraine's initial compliance with Council of Europe norms is best explained by a norm-driven dynamic, where persuasion and social learning led to interest redefinition. My account is strengthened by considering alternative explanations and counterfactuals. On the former, would a rationalist, strategic adaptation argument better explain my results? After all, it would seem rational for individuals such as a Chaliy, in a much smaller Ukraine, to balance Russian power by integrating with European institutions and norms, regardless of their substantive content.

Three problems undermine the validity of such an argument, however. First, domestic process tracing does not reveal instrumentalism as the prime determinant of Ukrainian behavior in relation to the Council of Europe, though I am aware that the possibility exists (see the German case). Second, timing matters. Much of the social learning occurred in 1993 and early 1994; it thus predates Leonid Kuchma's election as president in July 1994, when Ukraine made a strategic decision to seek

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78. Chlenstvo Ukrainy v Sovete Evropy zavisit ot resheniya Konstitutsionnogo Suda? *Fakty*, 27 May 1999. Similar incentives were at work in the late Soviet era and explain why Gorbachev and his allies failed to take steps to prevent what came to pass once he left office: the rapid demise of his liberal foreign policy. Checkel 1997, chap. 5–6.

79. This is similar to what two-level game theorists call involuntary defection. Evans, Jacobson, and Putnam 1993, 440–42. For the institutional logic, see Cortell and Peterson 2000, chap. 1. In the compliance literature, see Zürn 2000, 10–12. On more recent developments in Ukraine, see interviews by the author with Council of Europe Secretariat, April 1997, November 1998, and December 1999; *Financial Times*, 25 May 1999; and Hyde 1999. Specifically on Ukraine's lack of compliance with Council of Europe death-penalty statutes, see Checkel 2000b, 15–27.

closer ties with various Western institutions. In addition, in 1993–94 Ukraine debated a so-called neutrality option, seeking a position independent of both Western Europe and Russia. Thus, there was no consensus on a balancing strategy against Russia that would have clearly made adopting Council of Europe norms in its interest.[80] Third, there is the question of parsimony. The rationalist alternative predicts the same outcome as my more complex persuasion/social-learning argument: integration with Western institutions and norms. However, the alternative incorrectly specifies the motivations and domestic processes that led to it. Put differently, assuming that Ukraine acted "as if" it were a rational, self-interested state does provide a more parsimonious explanation, but it comes at considerable cost to developing theory that explains how the world really works.[81]

As for counterfactuals, one could ask whether Ukrainian policy on national membership would have been any different in the absence of norms promoted by the Council of Europe. Given that national minorities comprise over 25 percent of its population, could not self-interest alone explain the adoption of liberal policies? The weak answer is yes, self-interest explains why new policies were considered in the first place, but Council of Europe norms tell much about their content.

The strong answer begins by observing that a country's objective interest in dealing with minority populations is not always clear—witness the differing ways Croatia, Hungary, and Latvia have dealt with minorities. Compared with countries similarly situated and having similar problems, Ukraine has reacted with a much more liberal and inclusive conception of minorities' place within the state. This indicates a stronger role for international norms in shaping the very definition of interests.

In sum, Ukraine exemplifies Council of Europe norms promoting constitutive compliance dynamics through processes of persuasion and social learning. Moreover, such outcomes contradict rationalist analyses of the European rights regime, which argue that its norms promote compliance primarily in democratic, pluralist settings (where citizens can pressure governments), and do so only by changing actors' calculations of material self-interest. The German and Ukrainian cases, when taken together, indicate that such arguments are not so much wrong as incomplete.[82]

Conclusions

I conclude by addressing three issues: how this study advances the constructivist research program, the importance of integrating institutional factors into compliance studies, and a need for greater attention to the development of scope conditions in the rationalist/constructivist debate.

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80. Interview by the author with Nikolay Kulinich, Ukrainian Institute of International Relations, Kiev, May 1994.
81. Wendt 1999. On "as if" reasoning, see the earlier methods section.
82. Moravcsik 1995.

Constructivism and Social Choice

The distinguishing feature of the constructivism I discuss is its ontological stance of mutual constitution—the reproduction of social reality through the interaction of agents and structures. While this is a fine metatheoretical starting point, the devil is in the details: applying this insight to empirical research. Early work responded to this challenge in a pragmatic, understandable way, adopting a bracketing strategy where one holds agency constant, while exploring its effects on structure (and then the reverse). In reality, most work emphasized the structure-agent relationship, which nonetheless was a major advance given the individualist ontologies prevalent in mainstream IR theory.[83]

More recent studies have restored greater balance to the agent-structure problematic by drawing upon the work of social movement theorists. However, this approach has come at the cost of viewing social interaction in a truncated and incomplete way—for example, as strategic social construction. The instrumental view of agency embedded in such notions has erected a black box around processes of social choice and interaction.

I have shrunk this black box by theorizing interaction and choice as functions of persuasion and learning where social construction is less strategic than deliberative. From this perspective, fundamental agent properties become endogenous to, and change through, the very process of interaction. I thus join with others in arguing that constructivism needs "a decision-making theory which includes in its analysis the ways in which preferences, beliefs, and desires are shaped by participation in the decision-making process itself."[84]

To this end, I advanced scope conditions for when "participation . . . in the process" leads to preference change. Yet, modesty is in order. Most important, my theory models social interaction in what amounts to a linear and unidirectional way. I allow for preference change at the "receiving end"—the persuadee— but do not explicitly consider the reverse process, where the *persuader's* own preferences are challenged and perhaps open to redefinition. I thus fall short of capturing processes where the preferences of all actors are "on the table."[85]

Despite these limitations, developments in two very different research communities suggest the fruitfulness of pursuing work of this sort. First, several constructivists are moving in directions similar to that sketched here, exploring literatures on learning, persuasion, social influence, and Habermasian communicative rationality to model better processes of social interaction. All these approaches are complementary and might benefit from more systematic attempts at synthesizing their insights.[86]

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83. On the bracketing strategy, see Wendt 1987, 364–65.
84. Kerremans 1996, 221. See also Zürn 1998a, 630–32; Flynn and Farrell 1999, 512 (n.); and Shannon 2000, 294–300.
85. See Haacke 1996, 259–67; and Payne 1999, 5. See also Schimmelfennig 1999a.
86. See Price 1998; Johnston 1998a,b; Payne 1996 and 1999; and Finnemore 1999, chap. 5.

To take one possibility, my deductions on persuasion may be useful to German constructivists as they grapple with the difficult task of operationalizing notions of communicative rationality. These scholars have argued that Habermas's theory of communicative action can provide an alternative theory of interaction through which agents discover their preferences. As a point of theoretical departure, this is excellent; however, the challenge is to operationalize and apply these Habermasian concepts. Certainly, this fusion of Habermas and empirical IR is at an early point; it is thus not surprising—and understandable—that most applications to date have been heuristic.[87]

All the same, as scholars begin to specify Habermas's arguments, their value added may become less clear. In particular, Habermas provides little sense of "the various social mechanisms that might help us better to understand how social systems and individuals' actions mesh." Put differently, for an approach that is all about the power of arguments, Habermas is oddly silent on the social processes of persuasion that underlie them. This is troubling given that successful argumentation by definition presupposes persuasion. The literature explored in this essay may be one way of filling these gaps.[88]

Second, researchers who study international institutions from a rational-choice perspective are also calling for increased attention to process. Indeed, prominent rationalists now argue that one of the main challenges is to specify in a systematic manner the mechanisms through which international institutions affect states. Likewise, a leading rational-choice student of international regimes has identified as an important issue the development of bargaining theories that include elements of arguing and persuasion. This move by rationalists away from bracketing "as if" assumptions to the study of real-world mechanisms and processes clearly intersects with concerns embraced by a number of constructivists as well.[89]

Compliance and Institutions

My cases suggest three different ways institutions influence the compliance process. First, institutional legacies can frustrate the plans of national agents to comply. This involuntary defection dynamic is at work in the Ukraine. Second, the structure of domestic institutions seems key in explaining variance in the mechanisms through which compliance occurs. Consider again the German and Ukrainian cases. All else equal, the insulated nature of Ukrainian institutions increased the likelihood that compliance would be attained through persuasion and learning; likewise, pluralist German institutions made it likely that social sanctioning would play a more

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87. See Reus-Smit 1997, 564–70, *passim*; Lewis 1998, 499, *passim*; and Payne 1999, 18–21. For an excellent summary of the German IR/Habermas debate, see Risse 2000.

88. See Hedstroem and Swedberg 1998, 212 (for quote); and Elster 1991, 15–16. This implicit causal link between persuasion and argumentation is evident throughout Risse's recent work. Risse 2000.

89. See Martin and Simmons 1998; and Zürn 1998a, 630–42, respectively. See also Midgaard 1993; and Zürn 1998b, 16–20.

important role in the compliance process. Third, institutions were causally important at a deeper level. In particular, preexisting norms were key in affecting agent willingness to comply with the injunctions of emerging European understandings. The presence of such cognitive priors hindered compliance (many elites in the German case), whereas their absence promoted it through persuasion and learning (the noviceness of so many agents in Ukraine).[90]

These three institutional effects are captured and explained by differing theoretical tool kits. The first—involuntary defection—is one that rational-choice analysts have often highlighted. The third—normative structures—is best theorized through sociological and constructivist approaches. The second, which is a domestic structures argument, sits somewhat uneasily between rational choice and social constructivist analyses. Thus, one important lesson to draw from these findings is that researchers would do well to cast their nets broadly when asking why social actors comply.[91]

Rationalism, Constructivism, and Scope Conditions

The foregoing highlights the central challenge for approaches such as mine: the development of scope and boundary conditions. Specifically, when and under what conditions are rationalist as opposed to constructivist methods more appropriate for understanding why social actors comply? I have advanced several such conditions in this article, including the second and third institutional factors above and my earlier discussion of persuasion and preference change (hypotheses 1–5). Indeed, thinking in terms of scope conditions allowed me to capture an obvious feature of social life—namely, that compliance with norms is a process encompassing *both* instrumental choice and social learning.

This stress on synthesis helps promote an emergent trend, where there is a move away from an "either/or," "gladiator" style of analysis (either rational choice or constructivism) to a "both/and" perspective. This shift is seen in forums as diverse as the flagship journal of German IR, regime analysis, the fiftieth-anniversary issue of *International Organization*,[92] and the work of prominent social theorists. Theoretical opponents are thus spending less time hurtling metatheoretical insults at each other and, instead, conducting an empirically informed dialogue, where tough issues of process, operationalization, and scope are addressed.[93]

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90. See also Risse, Ropp, and Sikkink 1999, 270–73, on norm resonance.

91. The domestic structures literature is closely related to historical institutionalism, and the latter is deeply split between rationalist (for example, Paul Pierson) and constructivist branches (for example, Peter Katzenstein).

92. Vol. 52, no. 4.

93. See Risse 2000; Underdal 1998; Hedstroem and Swedberg 1998; and articles by Peter Katzenstein, Robert Keohane, and Stephen Krasner; Martha Finnemore and Kathryn Sikkink; Miles Kahler; and James March and Johan P. Olsen in Katzenstein, Keohane, and Krasner 1998. See also Moravcsik 2000, 248–49.

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