Can Networks Govern?

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INTRODUCTION

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Theorising transnational governance is of central importance to understanding how the world works. The proliferation of frameworks, compacts, accords and agreements across multiple policy fields begs questions as to how they emerge, how power operates within and through them, what they foreclose and in whose interests they work. When applied to the legitimation of organised violence outside the state, they seem to challenge foundational aspects of global order.

In Deborah Avant's article "Pragmatic Networks and Transnational Governance of Private Military and Security Services"she argues that an approach grounded in relational pragmatism can help us best make sense of these phenomena. This approach emphasises the power of networks, the re-shaping of actor preferences, creativity and openness and the significance of process in influencing outcomes. Avant concludes that rather than seeing global governance in terms of 'wins' and 'losses', emphasising its productive and creative character is a better way of understanding its potential.

In our symposium, four scholars welcome Avant's piece and engage with the argument with contributions that are longer than usual, which reflects the richness of the questions raised by its arguments. Heikki Patomäkiagrees that the relational ontology is an improvement on present debates, but notes that it does not extend to looking at the structures and context in which processes take place. Looking at the multiple sites of private security governance, Anna Leander asks whether the problem is located where Avant says it is, and whether network theory is mobilised to its full potential. In evaluating the pragmatist approach, Kavi Abraham wonders about the excision of politics, recalls Deweyan pragmatism as also concerned with domination, conflict and participatory democracy. In looking at Avant's relationalism, Mark Laffey argues that a liberal ontology animates but also constrains the account of process and the assumed public-private divide.

Avant offers "A Pragmatic Response" to the symposium, engages with the questions and suggests provocatively that it is they, rather than she, who may be the real 'optimists' about global governance.

The ISQ Blog team heartily thank Debbi and all the contributors to this symposium for their thought-provoking and generous engagements on such an important topic. We hope you enjoy the symposium: do check out our others.

Explaining the Emergence of Global Regulation of Private Security Service Providers

Heikki Patomäki
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It is commonplace especially in the U.S. to divide IR theories into three: realist, liberal-institutionalist and constructivist.[1] Deborah D. Avant (2016) builds on the constructivist idea that the key to adequate explanation lies in the constitution of agents and their interests. In her article, she makes a contribution to the study of global governance by focusing on the historical process that led to the emergence of new rules and principles of regulating private security service providers. Her study is meant to show that it is the process that explains the outcome (new regulations) rather than just (given or constructed) actors and their interests.

Avant relies on what she calls relational ontology, which according to her informs both pragmatism and network theory. It "treats social beings as emergent phenomena,

products, at any point in time, of interactions." These interactions may involve a variety of actors from states and international organizations to civil society actors and businesses. The outcome of the process depends largely on the way actors are related to each other. A successful outcome – understood in terms of new governance – is more likely if the actors are problem-oriented, open-minded, make connections to all those affected and pay attention to the workability of the proposed solutions. Actors thus matter, but first and foremost through their openness to the process.

Avant's relational ontology is an improvement from the methodological individualism of both rational choice theories and many forms of social constructivism (e.g. Searle 1996). Her empirical case of regulation of private security service providers suggests that relational social beings can change in the course of the process also in unexpected ways, and that the outcome can only be explained by making references to this process (this is not unlike the explanatory model developed by Braithwaite and Drahos 2000). So far so good.

Avant's account of social structures – of the system of relations between the positioned practices that agents reproduce or transform – is nonetheless rather thin. Moreover, her account of the process of creating new global governance is isolated from wider social processes. For instance, why did the market for military and security start to grow in the 1990s? The 1990s was not only a decade of peace dividend and decreasing violence, it was also a decade of outsourcing, privatization and market-based solutions to perceived problems. States, corporations and international organizations have been increasingly relying

[1] This trichotomy has replaced the earlier one where Marxism was the third pillar, although constructivism is not a theory of international relations but rather a social theory (of which there are different versions), and although in international and global political economy various post-Marxian perspectives are still vibrant. Since the 1990s many have aimed at a synthesis of the first two perspectives (neoliberalism and neorealism), a new mixed perspective which could transcend some of the 'great debates' and contribute to intellectual progress in the field. What has gone unnoticed to most participants in the mainstream US debates is that various broad IR perspectives are better seen as historical sites for a number of theoretical and philosophical disputes than as coherent theories with well-specified empirical claims. See Patomäki & Wight (2000) and Patomäki (2002, ch 3).

on private corporations for providing services they once produced themselves, also in the field of security.

Why did this free-market orientation assume such a prevalence? There are many possible explanations. They all refer to social structures understood as processes-in-product, as history frozen into currently prevailing enabling and constraining structures. Whether we understand the transformation that started in the 1980s (or earlier) primarily through the category of regime of accumulation (French regulation school), structural power of capital (Gill & Law 1989), or discrepancy between territorial states and liberal world economy (Patomäki 2008), it is this wider context that has given rise to questions concerning private security providers.

Of course, many possible framings of these questions remain, including war, human rights, and corporate conduct. Consider framing in terms of war. The article 47 of the Protocol Additional GC 1977 (APGC77, a 1977 amendment protocol to the Geneva Conventions) states categorically that, "a mercenary shall not have the right to be a combatant or a prisoner of war." It has been ratified by most states, with the exception of United States, Israel, Iran, Pakistan, India, Turkey and a few others. If a private security provider assumes the role of a combatant in a conflict, it clearly violates this article. Contestations over this point are downplayed in Avant's article.

Avant stresses that actors can innovate new framings, which may enable successful negotiations. The wider context is nonetheless decisive. The tendency to rely on private market-based solutions and related changes in relations of power has transformed the paradigm of regulating transnationally operating corporations. The UN Centre on Transnational Corporations was closed in 1993 and its activities transferred to UNCTAD's Division on Transnational Corporations and Investment (DTCI). In its stead, The UN Global Compact was launched in 2000. The latter's approach is based on the concept of corporate social responsibility and relies mostly on voluntary self-regulation. Private profit-seeking corporations are willing to participate in the Global Compact and related arrangements because participation bears the promise of branding benefits. The ten principles of the Global Compact concern human rights, labor, the environment and anti-corruption.

From this perspective, the Montreux Process looks less innovative than what Avant seems to be claiming. The International Code of Conduct (ICoC) appears as a replicate of the Global Compact approach applied in the context of private security and military providers. From the United States perspective, the ICoC has the additional benefit of legitimizing the activities of private military companies and related state-practices, while sidelining the question of illegal mercenary activities.

My basic point is that when we are studying the selection mechanisms of rules and principles such as those of the ICoC, it is important to take into account the full set of wider structural conditions and processes and their impact on the outcome.

Engaging the Contested and Material Politics of Private Military and Security Service Governance from a Pragmatist Perspective

Anna Leander
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Deborah Avant's article is a welcome contribution to a topic that is surely one of the most politically salient and theoretically challenging in contemporary international relations. It makes a range of points I wholeheartedly agree with, it does so relying on theories I am interested in and I share its preoccupation with practical policy relevance. Perhaps I should just confirm the arguments, expanding some of the points made? That (boring) exercise is fortunately unnecessary. I have many questions. Below I briefly discuss three central ones.

1) The Issue at Stake: Missing the Problem?

My first question revolves around the issues at stake. Avant's argument is resolutely positive and optimistic. Her core claim is that pragmatic networks have generated effective transnational governance of the private military and security industry (PMSI). The Montreux Document (MD) she claims is now "an agreed upon framework" that has triggered the developments of standards (ICoC and PSC) that governments have written "into legal requirements in ways that promised enforcement." Avant underlines that "many concerns remain." But the thrust of her article is to explore the MD success as a case of "effective transnational governance" created by "pragmatic networks." While I fully share the view that governance of PMSI has evolved and the MD has been an important part of this development, presenting the MD as having solved the problem of PMSI governance in this way is problematic for many reasons. I will highlight two.[2]

First, it vastly overstates the significance of the MD and hence its capacity to solve "the problem" of governance. Regulatory arrangements, in the form of Codes of Conduct, Best Practices, Benchmarks and Standards have been mushrooming. Certifications for all and any aspect of the activities in the sector are also increasingly central. This makes for a fragmented regulatory landscape where hierarchies of rules are unclear and contested (e.g. DeWinter-Schmitt 2015; Krahmann 2016). In the resulting regulatory competition about which of these rules should count most, the MD is but one rule among many and not necessarily always the most central one. Second, disregarding the continuing regulatory competition makes it impossible to capture its role in the expansion of the sector. Regulations generate new legitimate areas of activity and roles for the industry. It also gives rise to a "secondary industry" of certifiers, trainers, and experts dealing with and promoting the burgeoning transnational regulation. From my perspective, the regulatory competition

[2] I am leaving aside a range of issues linked to the claims Avant makes about the efficiency of the MD and its role as a driver in triggering regulatory initiatives, including government regulation.

and the related expansion of the sector are the main issues at stake in governance (Leander 2010; Leander 2011; Leander 2016c). Exploring their political and legal implications, asking what they entail for security professionals and organizations, rights, the rule of law, politics and militarism, as well as what the alternatives might be, are core tasks for research on which much more work is needed.

The presentation of the MD as an effective solution to the problem of PMSI governance pre-empts these questions. Like **Abraham**, I have the sense that politics may be lost. My first question is therefore if Avant may not be missing the problem of transnational governance that she claims pragmatic networks are the solution to.

2) The Theories Mobilized: Obscuring the Processes?

My second question revolves around theories. I share Avant's interest in "relational pragmatism" and "network theory" (henceforth REPaNT). Like **Laffey**, I also welcome her emphasis on the importance of recognizing the significance of creativity and the capacity of generating something new. Yet, for a number of reasons (of which I bring up two[3]), I wonder if Avant's selective mobilization of REPaNT does not hinder rather than help our understanding of the processes of transnational governance and the creativity at work in them.

First, Avant's reading of REPaNT emphasizes agreement, consensus and open minds while blocking out *tensions, disagreement and contestation*. Yet, enrolling and excluding actors/actants, shifting terms of the debate/action, turning "facts into matters of concern" and "making things public" are crucial parts of the conceptual vocabularies of REPaNT (e.g. Latour 2004; Schouten 2014). Drawing on these vocabularies would be helpful for understanding the processes of PMSI governance (Magnon-Pujo 2015). The MD grew out of a contestation of the existing governance, the MD shortcoming led to the development of ICoC that is currently developing a grievance mechanism and debating effective remedy in response to contestation. All along, critics have been proposing and developing alternative forms of regulation, or distancing themselves from the process because they found the process flawed or difficult to engage (Joachim and Schneiker 2012). Second, and along similar lines, Avant does not mobilize the REPaNT theorization of materiality. She does not work with anything resembling a "symmetrical ontology" in which both people and objects are part of relations/networks and cause things to happen in them. Yet, this theorization of materiality is important for capturing PMSI governance processes. It directs the processes of PMSI governance involving both a wide range of actors and an equally wide range of objects such as regulations, codes or standards, databases, lists or surveillance technologies (e.g. Abrahamsen and Williams 2009; Leander and Aalberts 2013). Indeed from my perspective, these objects (I have developed the arguments with regards to lists) do important regulatory work that profoundly shapes governance processes (Leander 2016b).

While Avant tells part of the story about contestation and materiality, her mobilization of REPaNT makes her downplay its theoretical and conceptual significance. Instead she privileges "agreement" and "openness" focusing her energy on the agency of states (especially the U.S.). In so doing, the account is not only shying away from the (theoretically and empirically) most challenging sides of grappling with governance processes. It is perpetuating these challenges by reinforcing conventional approaches to the subject. My second question is therefore if the selective mobilization of theory, a REPaNT – excluding

[3] Again I am leaving out a host of fundamental important issues pertaining to relationality, agency, affect and rationality for reasons of space.

contestation/dissent and symmetric ontologies – does not do more to obscure than to clarify how governance works.

3) The Relevance: Restricting Political Engagement?

My last question concerns practical relevance. Avant concludes her article by marshalling the practical relevance of "pragmatic thinking" as the ultimate proof of its advantages. Again I could not agree more with this point regarding the importance of bridging the gap between academia and practice. However, for Avant the practical relevance of pragmatism appears to be premised on participatory acquiescence with existing governance processes. Indeed, she contrasts the relevance of her pragmatic approach with the irrelevance of the "many [who] write off governance efforts without 'teeth' as inconsequential; they push for uncompromising stances, hard decisions, and binding rules." I wonder if this is not a reductive understanding of the ways in which academic knowledge matters for policy-making. I will limit the discussion to three points commonly made in REPaNT contexts.[4]

While *intervention* in policy-making processes may require a willingness to speak a language that does not aim at "reversing established sentiment" (Stengers 1995: 25), it is difficult to see why embracing and promoting the processes would be required or even useful. Academics (just as consultants in companies) are often invited precisely because they can pose the disturbing questions and point to more or less obvious flaws (such as the "lack of teeth" of the MD or the absence of effective remedy of the ICoCA). The relevance of the academic expert is therefore less to acquiesce than to question as an insider "agent provocateur" (Bueger 2017). But more fundamentally, intervention is perhaps not the only form of relevance (Leander 2016a)? In REPaNT contexts at least two further forms of relevance that require some distance are often discussed. One is *diffraction* that is deviating the direction of discussions/practices by introducing something novel and previously overlooked such as gender or race (Haraway 1997) of relevance also to PMSI governance (Chisholm 2014; Eichler 2014). The other is *disruption* that is the setting of a novel image of the issues at stake often through the creation of a novel imaginary for example through art, humour or ridicule (Ranciere 2006) also of relevance to security governance (Amoore and Hall 2012).

Susan Strange argued that the price to pay for the privilege of academic freedom was a willingness to raise unpopular questions (1989: 430). A very similar stance is taken by many REPaNT theorists as illustrated e.g. by Isabelle Stengers' many political engagements (e.g. Stengers 1995, Pignarre and Stengers 2011, Stengers 2013a, Stengers 2013b, Stengers and Despret 2014). I wonder if restricting relevance to acquiescent participation is not showing a lack of imagination about what forms academic engagement with politics may take – and hence also about what relevance means.

[4] I leave out points about practices of domination, discursive structures, and reflexivity that are usually not made by REPaNT scholars. Patomäki's contribution to this discussion delves on these in to some extent.

POLITICS LOST?

Kavi Abraham
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How do we account for the emergence of transnational governance of private military and security companies (PMSCs)? According to Deborah Avant, recourse to conventional IR theory of the realist or liberal variety is insufficient; instead, a "relational pragmatic" approach is better suited to grasp the complex dynamics that brought "effective governance" to PMSCs over the last decade. "Effective governance," however, is not conventionally defined in terms of steering – intentionally and efficiently directing a system or set of practices toward some pre-determined value or end – since this conceptualization misses the dynamic and transactional quality of how systems of governance actually develop. Rather, "pragmatic accounts take effective governance to be creative collective action to solve a problem." The value of Avant's theoretical framework, combining concepts of network and pragmatist social theory, is clear: by employing an historically sensitive analysis, a relational pragmatic framework demonstrates how governance goals and solutions are not efficiently derived from pre-constituted interests but emerge and transform in the process of interaction and deliberation. Avant's approach, then, cashes out a key aspect of pragmatist social theory by locating the creativity that emerges from collective problem-solving as actors ambiguously muddle through policy options in dynamic contexts and with shifting ends-in-view.

Deploying categories of creativity and innovation, interaction and shifting goals, representational and practical knowledge, Avant convincingly cobbles together an approach grounded in pragmatist thinking. But like other turns to philosophical pragmatism, I worry about the reduction, perhaps even the excision, of *politics*. In the focus on problem-solving, stakeholder consultations, and consensus, I wonder if pragmatic approaches lose the forms of domination, deep disagreement, conflict, and multiple exercises of power that characterize processes of global governance. Avant's conditions for "effective governance," for example, include agreement on the problem, broad inclusion of relevant stakeholders, open discussion, and attention to usefulness or workability of solutions; however, the very definition of a problem, identification of who counts as a stakeholder, or what constitutes usefulness imply prior political choices. In focusing on how interests shift in the process of collective problem-solving alone, a pragmatic approach misses part of the story of how governance emerges.

As evidence, consider the choice of the United States to participate in the Swiss-led forum (as opposed to previous UN-led efforts), which led to "effective governance" of PMSCs. For Avant, the Swiss initiative succeeded in including the United States because it did not narrowly define the contours of the problem from the start but only sought to "catalogue existing law." Thus, in the absence of any strong interest in transnational governance, U.S. officials could nevertheless agree to simply discuss the current state of PMSC regulation. There were no substantive political stakes.

However, from a governmentality perspective (Larner and Walters 2004; Merlingen 2003; Rose 1993), the U.S. decision to engage with a multistakeholder forum while refusing coordination through the intergovernmental United Nations is evidence of a deeply

political decision that speaks to (neo)liberal rationalities of governing. For governmentality theorists, state power under contemporary (neo)liberalism is articulated in a specific way such that its exercise involves producing actors as active participants in their own regulation; objects of governance — in this case, PMSCs — are made to act as subjects of governance as well (Sending and Neumann 2006, 658–61). Though UN-led processes may include consultations with PMSCs, they remain embedded within a fundamentally intergovernmental institutional framework. The nonstatist, consensus-oriented, voluntary, and self-regulative quality of multistakeholder fora, on the other hand, orient global governance practices in a decidedly neoliberal way. From the standpoint of a governmentality framework, the critical issue is not how U.S. priorities shifted to support *any* transnational governance of PMSCs but how it specifically came to support voluntary, self-regulation through multistakeholder deliberations rather than something else. Surely accounting for the emergence of a regime for PMSCs in terms of (neo)liberal governmentality does not displace a pragmatic interpretation, but it does, in my estimation, direct us to an important but overlooked dimension of the story.

The viability of this interpretation is further evidenced by U.S. actions in other issue areas. Consider global regulation of the internet: to date, US policy has consistently opposed centralizing governance in the UN's International Telecommunication Union (ITU), choosing instead to support decentralized multistakeholder bodies. Though recognizing that multilateral (i.e. intergovernmental) organizations can play a role in certain "scenarios," US officials maintain that they should not fundamentally be in the business of internet governance (Zoller 2015). That the ITU is one of the oldest international organizations, and a natural site for regulating a global communications infrastructure, only throw into relief that what matters for U.S. "interests" is not simply transnational governance or not but the form governance takes.

The relationship between pragmatism and politics is an important one because often, in common and academic parlance, the former has come to signify a kind of apolitical philosophy of social action. Yet, many who developed and advanced the signposts of philosophical pragmatism did so through a deep and explicit commitment to participatory democracy, one that would upset the primary form of domination in liberal polities (Abraham and Abramson 2015). Dewey's social theory, for instance, certainly highlighted the creativity that emerges from collective action, but this was politically important for Dewey inasmuch as it shored up a more robust notion of democracy than the prevailing institutional one (Dewey 1939). Of course, nothing dictates that the rearticulation of pragmatism in contemporary IR must adhere to the democratic politics of earlier statements; however, if pragmatic accounts are to be more than studies into policy formation, neither can they bracket prior political decisions or broader political contexts. Avant's relational pragmatism makes great strides toward an explanation of how transnational governance dynamically emerges, but without considering other relational accounts or examining the politics around which institutional sites are formed, the story remains incomplete.

PROCESSING LIBERAL STORIES OF TRANSNATIONAL GOVERNANCE

Mark Laffey
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In her article, Deborah Avant offers an account of how "effective transnational governance" emerges in contemporary world politics. Focusing explicitly on process, she claims to have produced a new and significant framework for understanding the nature and development of governance, which Avant conceives of as itself a process, not a fixed end-state but rather an ongoing set of practices and relations. That a focus on process offers something new is unsurprising: IR/IPE theory, at least in its dominant rationalist and constructivist forms, has generally been weak on process and its consequences, preferring to foreground the role of structural factors such as state power, interest, and identity in determining outcomes. Process is rendered as a secondary, relatively unimportant factor, as simply the means through which structural factors work themselves out.

Avant is explicit that what is at stake in her account are processes of subject formation: her relational ontology "treats social beings as emergent phenomena, products, at any point in time, of interactions." Here too Avant points to a set of important issues and questions. Rather than being seen as a series of interactions between pre-given subjects, as in rationalist and constructivist analyses that take states (and other entities) for granted, Avant sets out to analyse the emergence of the genuinely novel – perhaps even the unexpected – by showing how the very subjects of world politics are themselves transformed in and through open-ended processes of transnational governance. Despite her narrow focus on PMSCs, this might in principle enable us to explore afresh the perennial problem of identifying and explaining real change. In various ways, then, Avant's analysis exhibits insight, ambition and promise.

Yet, in my view this promise is not really fulfilled. I will focus on three areas at the heart of Avant's argument: her understandings of process, change, and novelty. The major source of these problems, I will argue, is Avant's continuing commitment to what might be termed a sociologically weaponised version of liberalism (cf. Jackson, 2012). That is, the basic subjects, objects and relations, as well as the understandings of process structuring her analysis, are recognisably those of liberalism. It is this commitment that accounts for the limited nature of Avant's relational ontology and her correspondingly thin findings in terms of the emergence of novelty and change.

How does effective transnational governance emerge? According to Avant, the process is relatively simple: "successful collective action [is] most likely when people organize around solving a problem, engage openly, integrate relevant stakeholders, and attend to results." More specifically, by making connections between relevant stakeholders and engaging in relatively open interactions, new ideas are generated. These in turn 'resonate' with or are 'attractive' to stakeholders, who are thereby drawn further into the process. Also important is 'workability', the degree to which a particular set of ideas is likely to produce an effective

response to the problem. As Avant expresses this point: "[agents] who can stimulate resonance with experience or ideas familiar to others, and who can promise workability, prove particularly important for generating collective action." She develops these arguments in an analysis of the emergence of transnational governance of PMSCs, in particular the Swiss-led production of the Montreux Document.

The categories through which Avant develops her account are straightforwardly liberal in character, as in her reference to 'ideas' which 'attract' or 'resonate' (cf. Laffey and Weldes 1997). She does not provide an account of the ways in which subjects are constituted and produced – as 'private companies' rather than as 'mercenaries', say – through the articulation of linguistic and non-linguistic discursive practices. But perhaps the clearest expression of this commitment is the continuing reference to the public/private divide as manifested in the distinction between state and non-state actors, in particular the private companies that provide military and security services. Avant charts the emergence of a legitimate international market in military and security provision, subject to regulation in the form of various kinds of voluntary non-binding rules, domestic legislation and international standards, as well as self-policing activities on the part of the private companies themselves. As is often characteristic of liberal accounts of the social, the role of power is almost non-existent in her analysis (cf. Barnett and Duvall 2005). Instead, the process through which new ideas and practices emerge looks a lot like communicative rationality and learning: states, companies and others, concerned about a problem, come together to discuss it in an open way and out of this emerges ideas which, if effective, are adopted, thus solving the problem. To the extent power enters into the discussion at all it is mostly in market terms: the U.S., for instance, is both a key producer and consumer of the services PMSCs provide. The structural power of business is not in evidence. In this context, it would have been useful to contrast Avant's analysis with other accounts of how regulation emerges and functions, both domestically and internationally, so as to highlight the central role business usually plays in generating regulation and the problematic character of the public/private divide if taken as a guide to the ordering and division of social practices and relations (see, e.g., Kolko 1965; Chatterjee and Finger 1994; and Owens 2008, respectively).

As such, despite Avant's alternative social theoretical framework, we wind up with a very familiar picture of the international as comprised of states and other entities, now interacting within a shared framework of transnational governance. In terms of subject formation nothing very much has changed. If anything Avant's article ends by reassuring us that things are much the same, and getting better. States and others have new ideas about private military and security companies and have – consensually, co-operatively – set up standards and codes of conduct. Given where she started, this must count as an opportunity missed.

Ironically, Avant herself opens up the question of subject formation and change in a more substantive way, most clearly in her brief discussion of the U.S. state. As she says, a relational ontology means we should understand the U.S. as "a pattern of connections, interactions, and reflections upon these in speech and writing. At any moment, social units like the United States are the congealed history that we remember. But they are continually creating, and created by, actors and their interactions." Leaving aside the equation of actors with individuals or groups, the over-emphasis on memory, which implies a greater degree of self-consciousness than I would want to endorse, and the absence of any reference to violence – surely an integral feature of any state –, this passage – an expression of Avant's commitment to a processual ontology – makes state subjectivity a dependent rather than an

independent variable. It is precisely through a heterogeneous set of "connections, interactions, and reflections" that the 'U.S.' is produced, reproduced and transformed.

This is an understanding of subject formation potentially much richer than is found in, say, the constructivist analysis of norms, which tends often to treat the state as a given unit to which various norms are applied. Opened up for investigation are the processes through which the production of the state as subject takes place, and the relations of power and hierarchy in and through which this occurs. Discourse analysis is fundamental to such an investigation, which is not reducible to the ideas of state officials (Milliken 1999). In turn, as the state is produced as a subject so too are those relations of power and hierarchy reproduced or transformed. The shifting character of the public/private divide – treated as a shifting set of linguistic and non-linguistic practices – is fundamental to the production of the state as a meaningful subject of world politics, and to the division between 'public' and 'private' power (cf. Wood 1995).

In the substance of her analysis, however, Avant fails to follow through on the possibilities such an ontology entails. The U.S. is repeatedly referred to as a consequential transnational actor - as an acting subject – even when it is also equated with the views of a relatively small number of state actors. Just how the one is related to the other is unclear: in what sense is the US state in the room when the discussions leading to the Montreux Document take place? How are the views of several US officials transformed into the interests of the US state? These equations are assumed rather than theorised. Further, in what sense are the subjects of world politics transformed in this process? How do voluntary codes of conduct produce or change PMSCs? On its face, the answer Avant gives must be, in both cases, not very much. Avant does not explore in any detail the changes in law and regulation she refers to nor how they relate to wider patterns of international law, understood not simply as an instrument but as constitutive of the global social (e.g., Gill and Cutler 2014; Pahuja 2011). Nor does she say anything about how such legal changes might be consequential for what the state IS. Instead, we are left with a standard liberal Weberian analysis, which focuses on the ideas of state actors and the state as a set of institutions separate and distinct from the social relations in which it is embedded.

An alternative, and more substantial analysis , one consistent with the possibilities inherent in Avant's relational ontology, might begin with a return to the wider literature on the privatization of security. Uncertainty about the public/private divide – a structural principle constitutive of the state – is a central issue within that scholarship. In common with much IR/IPE analysis of world politics Avant's framing of the emergence of effective transnational governance begins with the strong assumption that public and private are meaningful categories that distinguish between different kinds of actors and spaces, most obviously states on the one hand and PMSCs on the other. Her entire analysis takes for granted that these are separate entities which interact but which through that interaction do not fundamentally change: the public/private divide is reproduced, even as firms produce voluntary codes of conduct and states adopt non-binding forms of legal regulation. Indeed, for her, effective transnational governance is nothing but the production of these codes and regulations.

Yet a distinctive feature of the rise of PMSCs has been a blurring of the public/private divide, raising serious questions for analyses that assume rather than interrogate the distinction (see, e.g., Abrahamsen and Williams 2010). The heavy reliance by the U.S. and U.K. states on the private provision of security documented by Elke Krahmann (2010) might be taken to suggest that we are seeing a structural change in what the state is – precisely because, in Weberian terms, the state has previously been defined in terms of its

monopoly over the legitimate use of force, and also because the relations between (public) state and (private) security provider are increasingly internal rather than external. If the state can no longer function effectively without private security providers then it is no longer the state IR/IPE thought it knew. Bringing the private provision of force and security into established international law – the normalization of force as a commodity, in other words – is then perhaps not best understood as effective transnational governance but rather as both the logical continuation of ongoing processes of neoliberalization (Brenner et al 2010),and also more fundamentally the structural transformation and internationalization of the state (Murray 1971; Laffey, Nadarajah and Kanopathipillai 2015). Such an argument, were it to be borne out by empirical analysis, would require taking more seriously than does Avant the connections, interactions and reflections through which the U.S. (and others) is produced as a subject of world politics, and their effects.

A PRAGMATIC RESPONSE

Deborah Avant
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Let me begin by thanking my four colleagues for their thoughtful engagement with my article. While it is ironic that the more mainstream analyses my argument aimed at are not represented here, I appreciate the insights of this more critical crowd versed in either the relational theory behind my argument, the private security phenomena, or both. As I read their responses, I was struck by the degree to which they are similarly anchored by critiques based on what they saw as the 1) absence of structural logic, 2) absence of power or politics, and 3) overly optimistic assessment. Rather than responding to each particular response, then, I will organize my thoughts around these three threads.

First, these authors share a frustration that my analysis misses the "real problem" (**Leander**), "prior political choices" (**Abraham**), what created the congealed history that constitutes actors (**Laffey**), the wider social (neoliberal) context (**Patomäki**). This critiques point to the roots of the private security phenomena as if there were some material or structural logic at work that would then condition effective governance. Even a bumper sticker version of pragmatism, though, would point us toward focusing on the fruits rather than the roots of action. My aim in this article was not to explain why the private security phenomena emerged or make any claim about its structural logic. Instead, I wanted to know how what seemed like a politics stuck in disagreement – perhaps due to its roots – became more fluid and developed some areas of agreement. The puzzle, in effect, is how those involved appear to have broken free of their structural roots. My claim is that the process of focusing on a problem (not the same as agreeing on what it is), generating new connections, remaining open to new information, and attending to workability were critical to this shift. Each of these authors seem to want me to point out how the structures in place limited the possibilities. I think that is inescapably true, but my rejection of their assumption that an essential logic is attached to any given structure makes it also beside the point.

Second, several fault my analysis with ignoring power (**Laffey**) or politics (**Leander** and **Abraham**). But their view of power and politics is quite narrow. Power need not be firmly attached to a particular actor nor lorded over another to have effect. The process itself generated power to create collective action that was not seen as possible before. My point was to examine a more generative view of power – similar to productive power in Barnett and Duvall's (2005) scheme, but better captured by the notion of "power to" rather than "power over" (Berenskoetter 2007:3). As Berenskoetter describes, Weber discussed the power to accomplish one's will "not only against but also with others". Arendt took this idea much further arguing that power was not shot out of the barrel of a gun but was creative and productive and entailed coming together to generate new collective action (Berenskoetter 2007: 3-4). Surely understanding how a diverse group of government, business and civil society representatives turned to an international code of conduct for private security providers, how representatives of the United States came to support this process even though they had refused to even consider such a thing earlier, and how U.S. support lent capacity to the process that drew others along is a process of both power and politics. This development will undoubtedly have distributional effects but those involved in

the process also saw the development as a step toward solving a problem. Furthermore, a pragmatic take on power would expect the distributional consequences to be less obviously predicted by their roots (neoliberal or other) than these more structurally oriented scholars expect. So I do not ignore power and politics so much as I take issue with a narrow, zero sum, conception of either.

A third and related thread is a skepticism about the "optimistic" tone of this article. Where is the critique? The discouragement? The resistance? The disruption? Can an analysis really be serious if it is not pessimistic? I am of two minds on this. On the one hand, I think I am actually less abstractly optimistic than are some of these authors. I don't think there are "true" solutions to problems. Humans are complex and flawed creatures who face enduring social challenges. So what I mean by effective governance is not achieving "true" solutions to "real" problems but working together – even in contentious and incomplete ways – to respond collectively in ways that seem to work. That may be the best we can do. On the other hand, though, I think we should take care not to dismiss the benefits of this contentious and incomplete coming together around collective purpose. The consequences of unforgiving commitment to what is "best" often leaves societies much worse off. Knowing where to draw the line between pushing harder for a superior solution and accepting one that seems to work toward something better is our enduring challenge. How people judge where the balance lies is often the product of a mix of intuition and logic, and it requires a willingness to reject complete skepticism (Knight and Johnson 2011: 26-7). But accepting the fallibility of humans also means that governance is often "thin". While Abraham is correct to note that Dewey (and others) hoped for great transformations, when true to their ideas they did not expect these to emerge at all at once in an internally consistent way. It may be that only in the rear view mirror does an old style of governance look thick. While I appreciate – and largely agree with – **Anna Leander's** description of the various ways academics can weigh in to policy debates (and celebrate all these efforts), I would not call my analysis "acquiescent" and would argue that we should also preserve a role for academics to analyze how those who were opposed found common ground, even if it is only partial and incomplete.

Finally, **Mark Laffey** makes a fair point that I open the door for examining the process by which the various participants take the subject form they do but do not fully explore that process. I take the participants involved at face value according to their authority claims rather than exploring their constitution via history, performance, or something else. How and why particular individuals come to represent the United States (or other entities, for that matter) is an important question worth of more attention. Similarly, whether the Montreux/ ICoCA process reconstitutes PMSCs and their governing subjects is also significant. I am not sure Laffey's critique is entirely fair, though, as I do detail in the article the development of standards based on these agreements and changes in U.S. regulations requiring compliance with them. These should both count as "changes in law and regulation." Significant reconstitution is more likely if this process joins with others that already resonate, like the UN's Global Compact and Guiding Principles for Business and Human Rights, as well as others like the Voluntary Principles on Business and Human Rights. I do not see these other agreements as decisive and constraining of creativity, as **Patomäki** claims, but enabling. Joining with these other agreement can both legitimize the ICoCA and reinforce the others, depending on their perceived usefulness. Though I can point to some changes in how PMSCs refer to themselves and the language of their clients and regulators, we are still too early in this process to say much about the reconstitution of subjects.

As more of these creative agreements multiply across many issue areas I endorse Laffey's plea for more and better analysis. Indeed, I (and others) have called for a stronger research agenda examining how these unconventional forms (of cooperation and conflict) are shaping the emerging structures – and processes – of global politics (Avant, Finnemore and Sell 2010; Avant and Westerwinter 2016; Goddard and Nexon 2016). I also agree that these new arrangements are affecting how we think about public, private, and the line between the two – though these categories and lines have also shifted considerably in the past (Avant and Haufler 2014). How the process I describe, and others like it, will affect wider patterns of social order is of critical importance but if I were to wager on how to best understand these changes, I would bet on more attention to processes rather than the inherent logic of structures, a broad rather than narrow view of power and politics, and a critical but not entirely skeptical orientation toward the prospect that collective action can address global problems.

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