The art of aiming at a moving target: A critique of Lechner and Frost's *Practice Theory and International Relations*

N O R A   S T A P P E R T

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Abstract: How can we account for the normative dimension of international practices? Silviya Lechner and Mervyn Frost's *Practice Theory and International Relations* answers this question by proposing, with a considerable degree of epistemological sophistication, what the authors call 'normative descriptivism', which they combine with a focus on 'macro practices'. In this contribution, I start by examining the authors' engagement with IR's practice turn, and the insights this engagement may offer on the underlying objective of their approach. I then turn to Lechner and Frost's decision to eclipse history. The contribution concludes by using the evolution of international law as a cursory illustration of the types of analyses Lechner and Frost's approach would lead to. It thereby emphasises potential challenges inherent in the authors' combination of internalism as rooted in individual self-consciousness and a focus on 'macro practices', including the possibility that it might limit the potential to critically question the standard that becomes identified as universal.

Keywords: evolution of international law; internalism; macro practices; normative dimension of international practices; practice theory

I. Introduction

In many respects, Silviya Lechner and Mervyn Frost's *Practice Theory and International Relations* is a triumph. Most importantly, it offers an approach to international practices that accounts for their normative dimension, and advocates for a focus on what Lechner and Frost call 'macro practices'.[1] Especially with their emphasis on the normative dimension of international practices, Lechner and Frost hit a sore spot.

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[1] See S Lechner and M Frost, *Practice Theory and International Relations* (Cambridge University Press, Cambridge, 2018) 118–23, 190–8.

As Jason Ralph and Jess Gifkins remarked in 2017, at least when following Emanuel Adler and Vincent Pouliot's approach for analysing international practices, such a study would be confined to mirroring practices, instead of assessing them normatively.[2] For Lechner and Frost, the problem lies in an insufficient theorisation of practices within the Bourdieu-inspired strand of practice theory in International Relations (IR).[3] To solve this shortcoming, the authors distinguish between 'simple action', such as running, and 'practice-dependent action, … whose successful performance is conditional on following the rules of a social practice'.[4] Based on this distinction, Lechner and Frost argue for what they call 'normative descriptivism' to capture international practices.[5] They develop and apply this argument throughout the book with a remarkable level of epistemological sophistication that straddles philosophy and IR. The result is a contribution that is certainly thought-provoking.

Despite this sophistication, reading the book left me somewhat winded. Because make no mistake, what at first sight – rather innocently – comes across as a response to IR's practice turn reveals itself for what it is in the book's conclusion: a profound challenge to scientific realism, and the state of theorising within IR more generally.[6] Indeed, Lechner and Frost hope for nothing less than that their approach to international practices will 'change the way in which IR is studied and taught'.[7] Seen from this angle, the book is a battle cry to remodel IR as a discipline to follow what Lechner and Frost acknowledge to be a 'radically internalist standpoint'.[8] However, the authors' version of internalism goes far beyond the methodological suggestion of 'getting to know' practices, well – in practice (that is, by actually talking to or observing practitioners, or potentially even by participating in a practice).[9] Instead, it ultimately seems that, at least in an analytical sense, we have to *be* the practitioners we study: according to Lechner and Frost, '[u]nless an observer already understands, to some

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[2] See J Ralph and J Gifkins, 'The Purpose of United Nations Security Council Practice: Contesting Competence Claims in the Normative Context Created by the Responsibility to Protect' (2017) 23(3) *European Journal of International Relations* 630.

[3] See Lechner and Frost (n 1) 62–94.

[4] Ibid 49, 51.

[5] Ibid 30, 182–9.

[6] See ibid 203–21.

[7] Ibid 12.

[8] Ibid 33.

[9] See, e.g., V Pouliot, 'Practice Tracing' in A Bennett and JT Checkel (eds), *Process Tracing: From Metaphor to Analytical Tool* (Cambridge University Press, Cambridge, 2015) 237; C Bueger, 'Pathways to Practice: Praxiography and International Politics' (2014) 6(3) *European Political Science Review* 383.

degree at least, what these rules and norms [constituting a practice] mean, it would be impossible to tell what the participants under observation are doing'.[10] Truth, in their view, thus becomes 'a criterion *internal* to the domain of a concrete practice'.[11] Consequently, Lechner and Frost's brand of internalism 'requires the observer, in interpreting a practice, to use the categories which its own participants use in making sense of their practice'.[12] These decisions left me wondering whether Lechner and Frost's epistemological sophistication comes at the price of significant constraints regarding the types of insights IR as a discipline can offer. Lechner and Frost's work thereby almost constitutes an antithesis to Adler and Pouliot's explicitly inclusive approach: where Adler and Pouliot sought to open the debate and provide room for theorising across paradigmatic divides, Lechner and Frost reject all but their own version of practice theory.[13]

Lechner and Frost's book is also an explicitly interdisciplinary endeavour,[14] which comes with some of the challenges such a project typically faces. One of these challenges is that it usually involves some degree of translation or even reduction, done for the sake of making outside concepts and discussions palatable within another disciplinary discourse. Proposing that Lechner and Frost's book is (merely) concerned with translating the work of Oakeshott, Hegel and Wittgenstein is a rather humble understatement, of course.[15] After all, the authors develop, as they later on remark themselves, a new, only Hegel-inspired argument that seeks to understand two key international and global practices and the (dialectical) tensions between and within them.[16] However, while Lechner and Frost demonstrate considerable skill when pouring their philosophical discussion into a remarkably readable format, they seem to have applied a somewhat reductionist approach to the IR side of the translation exercise. In particular, the discussion of IR's practice turn is sweeping, to the extent that it is at times puzzling to read. Equally surprising is the use of the English School that explicitly eclipses history.[17] Finally, with the selection of empirical narratives that support their discussion in Chapters 5 and 6 (the only two chapters that explore specific practices

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10 Lechner and Frost (n 1) 15.
11 Ibid 25.
12 Ibid 34 and also 42.
13 See E Adler and V Pouliot, 'International Practices: Introduction and Framework' in E Adler and V Pouliot (eds), *International Practices* (Cambridge University Press, Cambridge, 2011) 3.
14 See Lechner and Frost (n 1) 4.
15 See ibid 2.
16 See ibid 128.
17 See ibid 25, 133.

in world politics), Lechner and Frost arguably open themselves to the same critique of arbitrariness that they use to reject IR's practice turn on epistemological grounds.[18]

To develop these points in more detail, I will proceed in three steps. The first section will zoom in on Lechner and Frost's treatment of IR's practice turn. Second, I will consider how, and with which consequences, the authors draw on the English School. Finally, I will explore how Lechner and Frost's practice theory would play out for one particular set of questions: how does international law evolve? Admittedly, this choice has a personal tint. Understanding the evolution of international law beyond formal treaty negotiations is what drew me to IR's practice turn, as it provided an avenue to make the development of normative content through interpretation visible both in theoretical and empirical terms.[19] Be that as it may, the evolution of international law is something that should be of considerable interest to Lechner and Frost. After all, they draw on HLA Hart and Joseph Raz to develop their view of constitutive and authoritative practices, and explicitly differentiate between morality and law as subcategories of (their institutional approach to) ethics.[20] Furthermore, in Chapter 5, the authors explicitly develop a neo-Hegelian account of change in international practices.[21] In the final section, I will therefore use a discussion of the potential application of Lechner and Frost's practice theory to the evolution of international law as a lens to tease out some of the promises and challenges of their account. Given the richness of Lechner and Frost's contribution that necessarily defies any comprehensive treatment within the scope of this article, as well as the profound challenge that their approach constitutes, such an example might at least offer a preliminary sketch of the direction into which Lechner and Frost's approach would take us.

II. Criticising IR's practice turn

Lechner and Frost's critique of IR's practice turn is stark, and in large parts centres around the idea that a Bourdieu-inspired practice turn confuses action and practice, and hence does not sufficiently acknowledge the constitutive role of rules.[22] Accordingly, their core critique in Chapter 2

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[18] See ibid 77.

[19] See N Stappert, 'Practice Theory and Change in International Law: Theorizing the Development of Legal Meaning through the Interpretive Practices of International Criminal Courts' *International Theory* (forthcoming).

[20] See Lechner and Frost (n 1) 57–61.

[21] See ibid 29.

[22] See ibid 10–11, 19–20, 62–94.

uses an analysis of Bourdieu's theory of practice to preface their discussion of IR's practice turn. When discussing micro practices, Lechner and Frost turn to a critique of Foucault and add, as a side note, that the same criticism purportedly applies to Bourdieu.[23] Other sources of inspiration and cross-fertilisation for IR's practice turn, such as the work of Luc Boltanski, remain unmentioned.[24]

When taken together, the criticism of IR's practice turn thus presented appears to be reductionist, to the extent that it risks overlooking important parts of the discussion. Lechner and Frost's treatment of IR's practice turn is mainly confined to three selected chapters within Adler and Pouliot's 2011 edited volume, as well as Pouliot's 2010 monograph.[25] Indeed, their discussion of IR's practice turn seems to treat the literature as if it had barely moved on since the publication of Adler and Pouliot's edited volume (which, after all, was published almost a decade ago).[26] One can, of course, respond that this has probably been a conscious choice that sacrifices breadth for depth, and Lechner and Frost indeed explicitly do so.[27] Furthermore, this is not to question that both Boudieu's oeuvre, as well as Adler and Pouliot's work that takes inspiration from Bourdieu, have been highly influential. However, the book arguably would have benefited from a more detailed treatment of a larger variety of authors, even if just as a brief acknowledgement of other strands within and around IR's practice turn that serves to contextualise the discussion. Indeed, I would have been curious to learn how the authors think their argument relates to parts of IR's practice turn that extend beyond Bourdieu-inspired frameworks.

Turning to the content of their critique, Lechner and Frost then make the astute observation that Adler and Pouliot's framework under-theorises

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[23] See ibid 198–201.

[24] For some examples that the authors might have engaged with benefit, see J Friedrichs and F Kratochwil, 'On Acting and Knowing: How Pragmatism Can Advance International Relations Research and Methodology' (2009) 63(4) *International Organization* 701; F Gadinger, 'On Justification and Critique: Luc Boltanski's Pragmatic Sociology and International Relations' (2016) 10(3) *International Political Sociology* 187; T Hopf, 'Change in International Practices' (2018) 24(3) *European Journal of International Relations* 687; C Bueger, 'Communities of Security Practice at Work? The Emerging African Maritime Security Regime' (2013) 6(3–4) *African Security* 297; V Pouliot, *International Pecking Order: The Politics and Practice of Multilateral Diplomacy* (Cambridge University Press, Cambridge, 2016).

[25] See Lechner and Frost (n 1) 79–94. See also E Adler and V Pouliot (eds), *International Practices* (Cambridge University Press, Cambridge, 2011); V Pouliot, *International Security in Practice: The Politics of NATO-Russia Diplomacy* (Cambridge University Press, Cambridge, 2010).

[26] See also Lechner and Frost (n 1) 62, fn 2, which serves as an overview bibliography for literature within IR's practice turn. It only includes one reference to an article published after 2014.

[27] See ibid 11, 79.

practices, and that the definition of practices as 'competent performances' is problematic.[28] Indeed, with this observation, they put the finger where it hurts. However, it similarly seems that Lechner and Frost could have sharpened their contribution by setting it in relation with other voices that have taken issue with Adler and Pouliot's view of international practices.[29] After all, Adler and Pouliot's work has not only opened a lively debate, but also frequently serves as a starting point for a 'next generation' of IR practice theorists.

To be sure, not all of this is Lechner and Frost's fault. Part of the blame arguably rests with IR's practice turn itself, and the foil for criticism that it leaves. Since its beginning, the charge has been made that is not really a 'turn', given its lack of coherence.[30] In this situation, Christian Bueger and Frank Gadinger not only made the (rather brave) attempt to identify core notions of practice theory.[31] They also distinguished between five strands exhibiting these characteristics that they, by 2014, saw as 'striving in IR', including work that draws on the concept of communities of practice or Actor-Network Theory.[32] Confronted with this slightly messy debate, and especially in light of the criticism that it conflates important differences,[33] Lechner and Frost may be forgiven for deciding to block out much of this confusion. Still, it is noteworthy that they diverge considerably from Bueger and Gadinger's key characteristics. At the very least, Lechner and Frost's idea of macro practices is squarely at odds with Bueger and Gadinger's perceived focus on 'multiplicity', which rejects the idea of investigating one global, all-encompassing social order.[34] Indeed, Lechner and Frost end up with an approach that is remarkably removed from the rich empirical insights of Bourdieu's work.

[28] Adler and Pouliot (n 13) 6; see Lechner and Frost (n 1) 79–94.

[29] As a starting point, see the concluding chapter in Adler and Pouliot's edited volume discussing their conceptualisation of practices; RD Duvall and A Chowdhury, 'Practices of Theory' in E Adler and V Pouliot (eds), *International Practices* (Cambridge University Press, Cambridge, 2011) 335. For some further examples, see especially Ralph and Gifkins (n 2); S Schindler and T Wille, 'Change in and Through Practice: Pierre Bourdieu, Vincent Pouliot, and the End of the Cold War' (2015) 7(2) *International Theory* 330.

[30] See, e.g., F Kratochwil, 'Making Sense of "International Practices"' in E Adler and V Pouliot (eds), *International Practices* (Cambridge University Press, Cambridge, 2011) 36, 36; E Ringmar, 'The Search for Dialogue as a Hindrance to Understanding: Practices as Inter-Paradigmatic Research Program' (2014) 6(1) *International Theory* 1, 1.

[31] See C Bueger and F Gadinger, *International Practice Theory: New Perspectives* (Palgrave, Basingstoke, 2014) 8–20.

[32] Ibid 22 and also generally 21–58.

[33] See M Martin-Mazé, 'Returning Struggles to the Practice Turn: How Were Bourdieu and Boltanski Lost in (Some) Translations and What to Do about It?' (2017) 11(2) *International Political Sociology* 203.

[34] Bueger and Gadinger (n 31) 20.

Criticising how other authors relate to the existing literature arguably always carries the risk of raising a moot point – after all, one can always do more. However, in Lechner and Frost's case, their engagement that seems to be too broad and too narrow at the same time is almost puzzling, and might have hindered their ability to make their points as clearly as possible. That the authors call their own approach to international practices simply 'practice theory' in the conclusion rather exacerbates the problem.[35] In the end, their engagement with the literature may reveal what reads like a key tension within the book. At least part of the problem might thus be that Lechner and Frost seem to aim at a moving target. As it becomes apparent in the conclusion, their primary concern seems to be not so much with IR's practice turn, but with the dominance of scientific realism within IR ('Scientific realism in IR, in other words, is the main philosophical challenger to our practice theory.').[36] At the same time, they acknowledge their closeness to constructivist thought,[37] and explicitly draw on the English School.[38] Against this backdrop, it would have been very interesting to hear in more detail how the authors situate themselves not vis-à-vis IR's practice turn, but more recent work following into the footsteps of the English School (and especially its view of practice),[39] as well as – indeed – critical constructivist scholarship, or IR scholarship more generally that does not fall within the category of scientific realism. In the end, it almost seems like this would have been a more natural starting point.

III. Hegel meets the English School

This observation brings me to my second point, and to Lechner and Frost's neo-Hegelian account of the dialectical tensions between and within two overarching practices, the practice of sovereign states and the global practice of rights. While their account of the practice of sovereign states highlights equal, mutually recognised freedom among states as constitutive, the practice of global rights turns our attention to the protection of individuals' basic rights.[40] Both practices are portrayed as containing tensions within and between them entailing their respective 'ethical self-erosion', which have only partly been mitigated.[41] The ensuing account of these two

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[35] See Lechner and Frost (n 1) 182–21.
[36] Ibid 206 and also generally 203–21.
[37] See ibid 210, indirectly also 7–10.
[38] See ibid 132–6.
[39] See C Navari, 'The Concept of Practice in the English School' (2010) 17(4) *European Journal of International Relations* 611.
[40] See Lechner and Frost (n 1) 127–53.
[41] Ibid 165 and generally 154–81.

practices is rewarding, and leads to insightful reflections especially on the deepening of global inequality. Specifically, the authors develop an intriguing account of the unintended ethical consequences of the ('ethically legitimate') pursuit of freedom within a global economy.[42]

When introducing their discussion of the practice of sovereign states, Lechner and Frost explicitly refer to the English School idea of the expansion of international society.[43] Furthermore, they use Hedley Bull's view of anarchy as a starting point for their discussion of the ethical and mutually recognised status of states as free and equal as enshrined within the practice of sovereign states.[44] However, Lechner and Frost then clarify that their account is not interested in history. In their own words, '[m]etaphorically, we might say that we are focussed on examining [the practice of sovereign states'] logical architecture, leaving aside its history'.[45] For an account that takes its initial point of discussion in the English School and that, after all, still mentions the idea of the expansion of international society, this decision is remarkable. The choice to mention, but then exclude history also comes with the downside that it does not prompt the authors to discuss some of the criticisms that were raised against the initial versions of the expansion story itself (as populated by Bull and Adam Watson, whom Lechner and Frost draw on).[46] Most notably, Bull and Watson's version of the narrative of the expansion of international society has been criticised as Eurocentric, given that it, among others, downplays the agency of non-European states, and overlooks the violent struggles and exploitation this 'expansion' brought with it.[47]

One may object that for Lechner and Frost's book, this is surely a minor point. After all, the authors soon leave the English School behind, and do not mention it explicitly in their subsequent discussion of the global practice of rights. However, at least partly due to their 'a-historical' approach, Lechner and Frost may have inadvertently incorporated some similar drawbacks into their own analysis. Specifically, when discussing the global practice of rights, they distinguish between a 'mature' international society, in which states protect basic rights of individuals regardless of their citizenship, and an 'immature' international society, in which such rights are not readily recognised.[48] These basic rights comprise, but are not limited to:

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[42] Ibid 167 and generally 165–9.

[43] See ibid 132–3.

[44] See ibid 132–40.

[45] Ibid 133.

[46] See ibid.

[47] For a first overview, see B Buzan and R Little, 'The Historical Expansion of International Society' in C Navari and D Green (eds) *Guide to the English School in International Studies* (Wiley Blackwell, Chichester, 2014) 59.

[48] See Lechner and Frost (n 1) 143, 177.

the right to bodily integrity, property, free association and free speech, as well as the right to freely cross state borders, including refugee rights.[49] Such a '"mature" domain', according to the authors, 'is roughly coextensive with the trans-Atlantic society of states, though it is not strictly limited to it'.[50] In a footnote, they follow Chris Brown to 'lis[t] Canada, the United States, the European Union, Norway and Switzerland …, and [potentially] add Japan' as members.[51] Germany (and the EU more generally) is explicitly mentioned as an example, due to the number of refugees from Syria it took in in 2017.[52] States within the 'immature' part of international society, in turn, are repeatedly described as 'autocratic, totalitarian or weak (failed or quasi)' states.[53]

Why these states, and why these rights? Does this distinction imply that every state that is not included within the list of 'mature' states qualifies as authoritarian? And how would Lechner and Frost assess Lebanon, for example, which according to the UNHCR hosted 992,100 refugees from Syria in 2017 (compared to 496,700 in Germany)?[54] Furthermore, Angela Merkel's decision to open the borders in 2015 has been far from uncontroversial in Germany. How would this controversy fit into Lechner and Frost's story, not to mention the property damage, as well as violent and arson attacks committed against asylum seeker homes (estimated to have together been roughly one per day across Germany in 2017)?[55] Finally, why focus on these rights in the first place, also with regard to the (somewhat odd, but contemporary) addition of the right to seek refuge? After all, which rights should be favoured has, of course, historically been part of a political endeavour coloured by the Cold War, as reflected in the separation between the two 1966 International Covenants.

Lechner and Frost probably have a well thought-through, Hegel-inspired response to at least some of these questions. My point here is a different one. First, especially when set into the context of the criticism the story of the expansion of international society has received, one has to wonder how much Lechner and Frost miss when 'paint[ing] in the bold strokes of

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[49] See ibid 143–5.

[50] Ibid 143.

[51] Ibid, fn 45. See also C Brown, 'Cosmopolitanism, World Citizenship and Global Civil Society' (2000) 3(1) *Critical Review of International Social and Political Philosophy* 7, 18.

[52] See ibid 143.

[53] Ibid 179 and also 177.

[54] See UNHCR, *Global Trends: Forced Displacement in 2017*, <https://www.unhcr.org/5b27be547.pdf> 14.

[55] See 'Jeden Tag ein Anschlag auf eine Asylbewerberunterkunft' *Die Zeit* (6 November 2017) <https://www.zeit.de/gesellschaft/zeitgeschehen/2017-11/bundeskriminalamt-anschlag-asylbewerberheime-fluechtlinge>.

the theorist and not with the detailed palette of the historian'.[56] After all, historical 'details' sometimes do matter, not least to provide an avenue for critique, and especially as a tool to counter Eurocentrism.[57] What is more, not providing a more fine-grained account almost seems like a lost opportunity, given that Lechner and Frost's outline might have generated further insights on the recent populist pushback against refugee rights, for example, which is only mentioned indirectly and in passing.[58]

Second, when moving from their more general, philosophical outline of their practice theory to an analysis of international relations, I could not help but wish that Lechner and Frost had provided a more detailed discussion on how to implement their strand of internalism. After all, they reject all but their own version of internalism on epistemological grounds, arguing that the result would otherwise risk arbitrariness.[59] It is not that Lechner and Frost do away with empirics altogether though. Instead, their discussion of the global practice of rights is supplemented with anecdotes that highlight, for example, Germany but not the Lebanon. For Lechner and Frost, this is not a problem. As they explain when outlining which rights they chose to focus on, their hermeneutic approach does not intend to build a theory that 'seek[s] confirmation in actual social facts', but 'starts with the interpretation of social facts and seeks to render these facts coherent'.[60] However, Lechner and Frost seem to have other social facts in mind than I do, even though we are all presumably internal to the same global practice of rights.

Part of the challenge might be that Lechner and Frost seem to mostly focus on epistemology and their brand of internalism, as opposed to exploring their understanding of hermeneutics and methodology and how it might bridge the tension between internalism rooted in individual self-consciousness and a focus on normative macro structures. Indeed, in the only paragraph that discusses methodology more generally, they

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[56] Lechner and Frost (n 1) 181.

[57] See, e.g., S Seth, 'Historical Sociology and Postcolonial Theory: Two Strategies for Challenging Eurocentrism' (2009) 3(3) *International Political Sociology* 334. Such critique, however, does not seem to be relevant to Lechner and Frost. Just consider the following example the authors give to illustrate their criticism of what they reject as an externalist standpoint: 'A group of diplomats have performed an action they recognise as signing an international peace treaty. A social scientist comes along and makes the case that in spite of what the diplomats profess to have done, a reflexive examination shows that their action is best understood as reproducing the structure of empire. But this explanation may be questioned as arbitrary'. Lechner and Frost (n 1) 77.

[58] See ibid 167. For a first conceptual overview, see e.g. B de Cleen, 'Populism and Nationalism' in CR Kaltwasser *et al.* (eds), *The Oxford Handbook of Populism* (Oxford University Press, Oxford, 2017) 342, 349–50.

[59] See Lechner and Frost (n 1) 77.

[60] Ibid 144.

(rather forcefully) squeeze interviewing and participant observation in under the (rejected) label of methodologies 'modelled on the hard sciences'.[61] In their analysis of their key two practices, however, what we are then left with is a series of anecdotes, which, in turn, seem to exhibit some considerable blind spots. Ultimately, I agree with the authors that there are some difficult epistemological and methodological challenges when attempting to understand someone else's reality, as well as the normative pull of the rules and norms they follow. However, if my choice was between a certain degree of arbitrariness and mere approximation on epistemological grounds and an account that remains confined to a selection of anecdotes to explore macro structures, I am not sure whether the latter option is all that more appealing. Furthermore, Lechner and Frost's combination of their brand of internalism with a focus on macro practices might also significantly limit the possibility for critique and disagreement with their approach, a point that I will return to in the subsequent discussion.

IV. Studying the evolution of international law

In this final section, I will consider how Lechner and Frost's approach would play out with regard to one specific aspect: the evolution of international law. As mentioned in the beginning, this seems to be an adequate focal point to explore some of the authors' core claims, and the promises and challenges their approach entails. International law is an aspect that is frequently mentioned throughout the book, and explicitly labelled as a practice.[62] Lechner and Frost repeatedly draw on the work of HLA Hart, among other legal theorists.[63] What is more, also change in international law more specifically should be of interest to Lechner and Frost, given their own emphasis on change in Chapter 5. Indeed, the authors see the potential for (gradual) change as a key characteristic that distinguishes practices from games.[64]

What would a Lechner and Frost-inspired inquiry into the evolution of international law look like? To begin with, any account would have to follow their theorisation of practices. Lechner and Frost define a practice as '*a distinctive domain of rule-following activity* [that is, rules learned not abstractly, but through application], *defined by concrete constitutive rules and espoused as common understanding by a group of participants*'.[65]

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[61] Ibid 219.
[62] See ibid 122.
[63] See ibid 12, 57–61, 95, 123.
[64] See ibid 105, 111–12.
[65] Ibid 115 (emphasis in original).

Constitutive rules make an activity possible in the first place, as they outline which activity qualifies as such.[66] Furthermore, practices need to consist of 'a unity of multiple rules', instead of being confined to a single one.[67] Finally, according to the authors, practices can best be identified by contrasting them with each other.[68] International law arguably encompasses multiple constitutive rules and can be distinguished from other domains of practice such as morality (a distinction the authors draw explicitly).[69] Helpfully, Lechner and Frost themselves conclude that international law qualifies as a practice.[70]

Would international law also constitute a macro practice? Here, we might have to introduce a first caveat. According to the authors, macro practices have four main characteristics: they are 'second-order' practices, comprehensive, 'ethically fundamental' (that is, they constitute a 'sense of self-worth'), and 'coercive' (in the sense that participants cannot leave them).[71] A key aspect is the last characteristic, that is, macro practices' coercive nature. It seems to entail that, presumably, international law more generally constitutes a macro practice (as states as its participants cannot leave it), but not, for example, the International Criminal Court (which in Lechner and Frost's vocabulary is a 'purposive association', not a practice).[72] Would human rights law as a subfield of international law qualify? Arguably not, given that Lechner and Frost advocate for a 'holist logic of enquiry' that does not 'tackle isolated "issue areas" of international politics such as proliferation, international trade or terrorism'.[73] Applied to international law, thus only those parts of the international legal framework that have global reach and are not part of any voluntary legal regime seem to fit the bill. Ultimately, a focus on macro practices therefore seems to significantly limit the purview of IR theorisation. It is almost difficult to imagine which other macro practices, apart from the two they discuss, Lechner and Frost have in mind as potential candidates. For an approach that presents itself as a significant readjustment of IR theorising, such a limitation seems to be a key challenge.

A third question concerns who the participants of the practice of international law might be. In one sense, the previous discussion of macro practices already answered this question: all states are participants.

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[66] See ibid 101–4.
[67] Ibid 116.
[68] See ibid 117.
[69] See ibid 122.
[70] See ibid.
[71] Ibid 191–4.
[72] Ibid 53–5.
[73] Ibid 219.

As Lechner and Frost acknowledge, however, 'states do not have values'.[74] In the end, the authors introduce the argumentative twist that 'we' (as 'individuals living inside states') 'are constituted as citizens of free states related to other states within a common domain of sovereign freedom' by being 'participants in the society of sovereign states'.[75] Applied to the practice of international law, one reading would therefore be that all human beings are participants. However, when it comes to international law, surely there are some participants that have a better understanding of the practice than others. While the authors concede that some participants might understand a practice and its rules better than others, they do not conceptually distinguish between such groups of participants.[76]

In the case of the practice of international law, which is arguably heavily expert-based, this decision poses a challenge. After all, despite my colleagues' and my best efforts, I suspect that I would be rather hard-pressed to find a very good understanding of basic principles of international law even within the population of my university's law students, not to mention of all citizens across states. It also does not help to add that the focus should be on 'rule-following activity',[77] given that, as individuals, we barely follow international law rules. Instead, in most cases, we do so through states – which, however, as with the practice of sovereign states itself, makes the participant/rule-following link explicitly encompassed within Lechner and Frost's definition of practices rather intangible. The core of the problem here is how the authors' version of internalism applies to the practices of states, and how much 'actuality' (as the study of 'actual', not 'hypothetical' practices)[78] – and at which level – its study requires. After all, while Lechner and Frost criticise a focus on micro practices as 'analytically incoherent' as it 'combine[s] micro practices with Bourdieu's macro determinants',[79] their own approach seems to exhibit a similar tension when it combines a focus on macro structures as well as states as practice participants with a view of internalism as rooted in individual self-consciousness. To be sure, the rules of a practice are learned through engagement within a practice community[80] – but how can we think about this process within a macro practice?

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[74] Ibid 150.
[75] Ibid 151.
[76] See ibid 113, 217.
[77] Ibid 115 (emphasised in original).
[78] Ibid 217 (partly emphasised in original).
[79] Ibid 199.
[80] See ibid 115–16.

What would happen, however, if we were to focus on legal experts as participants that have a particularly good understanding of the rules involved? After all, as Lechner and Frost argue, '[o]nly those agents who reason and act from *within* the practice count as its participants, and they are located inside its domain by virtue of their ability to understand and, occasionally, misunderstand its constitutive standards or rules'.[81] In the case of the practice of international law, we could then, for example, focus on non-empirical, doctrinal international law scholars and legal theorists. After all, there arguably isn't anyone more 'internal' to international law than a black-letter lawyer, and better able to 'make sense of the core rules and usages comprising [international law] as a meaningful whole'.[82] This answer, however, just opens up another problem: much ink has already been spilled by legal scholars on the constitutive rules of international law. Given the high level of sophistication of this strand of scholarship that already accounts for international law's normative dimension, I am left wondering what Lechner and Frost's approach might be able to contribute to this discussion (even though, to be fair, they probably never set out to do so). It could even be added here that parallel epistemological discussions surrounding the distinction between internalism and externalism inspired by, among others, HLA Hart not only already have a long tradition in legal scholarship, but also have again resurfaced recently in the wake of the so-called 'empirical turn' in international law.[83]

This brings me to my final point, namely the limits to analysis and critique that Lechner and Frost's approach implies. How can we, for example, understand practices below the level of macro practices, such as the development of legal provisions through regional courts? Not at all, Lechner and Frost seem to suggest. Indeed, they compile a rather long list of issues we should not study: 'Instead of researching problems such as power relations between states, discourses of power, global governance or structural inequalities between poor and affluent nations, IR theorists should study the macro practices that are global in scope.'[84]

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[81] Ibid 117 (original emphasis).

[82] Ibid 28.

[83] See G Shaffer and T Ginsburg, 'The Empirical Turn in International Legal Scholarship' (2012) 106(1) *American Journal of International Law* 1. See also, for example, J Holtermann and MR Madsen, 'European New Legal Realism and International Law. How to Make International Law Intelligible' (2015) 28(2) *Leiden Journal of International Law* 211. See already Max Weber, 'R[udolf] Stammler's "Overcoming" of the Materialist Conception of History' in HH Bruun and S Whimster (eds), *Max Weber: Collected Methodological Writings* (Routledge, Abingdon, 2012) 185.

[84] Lechner and Frost (n 1) 27.

Furthermore, and as mentioned above, history seems to have very little space within their approach, apart from the occasional anecdote about the Cold War.[85] In the end, such a rather confined approach, rather than 're-opening and broadening the conversation', might significantly limit the ability of IR theorists to say something meaningful about international relations, and about the possibility of change.[86] In a time in which the international rule-based system has come under significant challenge (a development which seems to underline the need for normative theorising), such a constraint seems like a missed opportunity.[87]

At least to me, the allure of exploring the normative dimension of international practices is that it opens up the possibility for critique and goes beyond merely 'mirroring' practices.[88] While Lechner and Frost's approach accounts for international practices' normative dimension, it does not allow us to use language (or apply criticism) not used by practitioners themselves, and rejects the study of any practice that we do not participate in.[89] The result may be that IR theorising would turn into a rather inward-looking and uncritical exercise. In the end, in the attempt to find additional macro practices that defy the challenge of particularism, it could even produce studies that might favour the norms and rules we, as situated individuals, are most familiar with, and in turn proclaim as universal. As Lechner and Frost say themselves, the extent to which participants understand a practice varies. But how do we know that we have reached an adequate understanding, and that we are not just presenting our own partial assumptions as part of a macro practice? And how can we criticise someone else's theorisation of a macro practice? While Lechner and Frost claim that their approach allows 'us to draw conceptual distinctions with precision', I am not so sure how to assess the 'actuality' of studies that might use their practice theory.[90] Indeed, by assuming that we are all part of the same macro practices, and that we should confine our study to them, Lechner and Frost might also limit our ability to doubt, disagree with, and criticise the standard that is thus proclaimed as universal.

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[85] For example, see ibid 143–4.

[86] Ibid 221.

[87] As but one example, take the assessment of 'Trumpism [as] an attack on the three foundational features of the global constitution – democracy, human rights, and the rule of law' proposed in a recent editorial in this journal. J Havercroft *et al.*, 'Donald Trump as Global Constitutional Breaching Experiment' (2018) 7(1) *Global Constitutionalism* 1, 4.

[88] See similarly Ralph and Gifkins (n 2).

[89] See Lechner and Frost (n 1) 147, 182, 211–12.

[90] Ibid 217, 220 (partly emphasised in original).

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