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Models and Documents: Artefacts of International Legal Knowledge

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> [T]he conference method has, in the course of its growth, paid small heed to the traditional concepts of the juridical nature of the international community and that in many particulars its development is not easily reconciled with some fundamental doctrines of international jurisprudence.[1]

I. MODELS

IT is a common observation that the theory and practice of international law are far apart. Richard Falk, for example, begins his 1970 book by chastising international legal theorists for failing to "provide adequate guidelines for evaluating particular decisions".[2] Likewise, Louis Henkin asserts that, "Lawyer and diplomat are engaged in a dialogue de sourds. Indeed, they are not even attempting to talk to each other, turning away in silent disregard."[3]

Along with this traditional self-criticism, theorists of international law have certain common explanations for the divide between the international lawyer and the diplomat. The traditional explanation focuses on the diplomat's lack of objectivity owing to his or her commitment to a single sovereign.[4] Henkin and Falk, for example, understand the difference between the diplomat and the scholar as a question of the former's political commitments.[5] Falk concludes that it is best for each not to meddle too much in the affairs of the other. For his part, Michael Reisman offers another popular explanation of the divide: "International lawyers

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1. Frederick S. Dunn, *The Practice and Procedure of International Conferences* 6 (1929).
2. Richard A. Falk, *The Status of Law in International Society* 7 (1970).
3. Louis Henkin, *How Nations Behave: Law and Foreign Policy* 2 (1979).
4. Carty describes the mission of the founders of the Institute of International Law in 1873 was how precisely to set up an academic and hence objective source of international legal principles. This objectivity was understood in direct contrast to the "particular interests" of diplomats and their sovereigns. See J. A. Carty, "Changing Models of the International System", in *Perestroika and International Law* 13 (W. E. Butler, ed. 1990) p.20.
5. See Falk, *supra* n.2; Henkin, *supra* n.3.

pay relatively little attention to the incidents from which political advisors infer their normative universe. Rather, they persist in constructing their normative universe from texts."[6] His solution is to focus on how norms are generated or evidenced by particular "incidents".

In this essay, I focus on a different aspect of the theorist/practitioner divide. What interests me are the conditions of knowledge that would allow theorists of international law to posit a divide between the objective or subjective pursuit of knowledge (Henkin, Falk) or between the general or particular legal problem (Reisman) in the first place. In other words, I am interested in the knowledge practices that define the "work" of international legal theory and in how these might differ from what practitioners actually do.[7] In particular, I will focus here on one key artefact of the theorist's knowledge practices, and one that is shared among "mainstream" and "critical" scholars of international law, and among first world and developing world scholars alike. The artefact I have in mind is what we often call "the international system".[8]

Scholars of international law recognise the fruits of our intellectual work in models of the international system.[9] Whether this system is a "society of states"[10] or a "family of nations",[11] whether these are "bipolar" or "multipolar" models,[12] whether the units of the model are the "civilised" and "uncivilised"[13] or "developed" and "developing"[14] or

6. W. Michael Reisman, "International Incidents: Introduction to a New Genre in the Study of International Law," in W. Michael Reisman & Andrew R. Willard, eds., *International Incidents: The Law that Counts in World Politics* 6 (1988).

7. In this respect, I treat international law in a similar manner as recent studies of science. See e.g. Donna Haraway, *Primate Visions: Gender, Race, and Nature in the World of Modern Science* (1992); Marilyn Strathern, *After Nature, English Kinship in the Late Twentieth Century* (1992); Paul Rabinow, *Making P.C.R.: A Story of Biotechnology* (1996); Bruno Latour and Steve Woolgar, *Laboratory Life: The Construction of Scientific Facts* (1986), John Law, *Organizing Modernity* (1994).

8. See e.g. Henkin, *supra* n.3 at p.7 ("An inquiry into the role of law must take into account the state of 'the system'—the character of international society and of the law at a given time."); Reisman, *supra* n.6 at p.15 ("I define an 'incident' as an overt conflict between two or more actors in the international system.")

9. See e.g. Thomas M. Franck, "Legitimacy in the International System" (1988) 82 A.J.I.L. 705.

10. See Thomas J. Lawrence, *The Principles of International Law* (4th ed. 1910).

11. This was the famous Gulf War phrasing of George Bush in arguments concerning the legality of that war under international law. See e.g. Barton Gellman, "U.S. Officials Reiterate Possibility Of Attack on Iraq Over Arms Issue; Senate Supports Bush Administration's Stance on 97 to 2 Vote" *The Washington Post*, Saturday, August 3, 1991.

12. J. H. Barton and B. E. Carter, "International Law and Institutions for a New Age" (1993) 81 Geo.L.J. 535.

13. See S. E. Baldwin, "The New Era of International Courts". (1910–12) Jud. Settlement of Int'l Disp. 3.

14. Thomas M. Franck, "The New Development: Can American Law and Legal Institutions Help Developing Countries?" (1972) 12 Wis.L.Rev. 767.

"liberal" and "non-liberal"[15] or something entirely more complex,[16] and whether grounded in realist politics or in "teleological questions",[17] we recognise the international system as a disciplinary artefact precisely because it is a model of the world.[18] Our interest in models lately has also provided ground for interdisciplinary collaboration.[19] The "behaviourist" literature on "epistemic communities" in international law and institutions, for example, brings together legal and sociological models of the international system,[20] while the collaboration between rationalist international relations scholars and international lawyers centres on common efforts to develop more sophisticated tools for modelling the international.[21] Most recently, publicists have expanded their models to include as non-governmental organisations, "peoples", cultures, and even individual persons.[22]

Of course, as scholars of international law routinely insist, these models are not "just" "theory".[23] Indeed, to portray these models as mere

15. See Anne-Marie Burley, "Law Among Liberal States: Liberal Internationalism and the Act of State Doctrine", (1992) 92 Colum.L.Rev. 1907. Cf. Carty, *supra* n.4, at p.20 (noting that even for international lawyers of the Soviet bloc, "[t]he nature of the preferred international system is profoundly liberal").

16. See Phillip Allott, "Reconstituting Humanity: New International Law", (1992) 3 Eur.J.Int'l L. 219.

17. See Thomas M. Franck, *The Power of Legitimacy among Nations* 5 (1990) (lamenting international lawyers' failure to ask more philosophical, "teleological" questions about our models of the international system as would have been commonplace in an era in which theories of natural law dominated the agenda).

18. Cf. Carty *supra* n.4 ("The reflections of international lawyers on [the international] system are in fact what lawyers call international law.")

19. The academic international lawyer's modelling has parallels in other genres of modernist academic inquiry. Anthropology, for example, has devoted itself to making models out of other people's practices. No wonder, then, that anthropology is evoked by international lawyers only to demonstrate that "International law is analogous to the decentralised systems studied by anthropologists, given the paucity of an international integration and the ability of some actors to withstand such modest coercion as can usually be deployed." Paul H. Brietzke, "Insurgents in the 'New' International Law", (1994) 13 Wisc.Int'l L.J. 1, 22.

20. See e.g. Elizabeth Heger Boyle and John W. Meyer, "Modern Law as a Secularized and Global Model: Implications for the Sociology of Law" in Yves Dezalay and Bryant Garth (eds.) *Global Prescriptions: Law as the Reproduction and Internationalisation of the Field of State Power* (forthcoming); Emanuel Adler, "The Emergence of Cooperation: National Epistemic Communities and the International Evolution of the Idea of Nuclear Arms Control", (1992) 46 Int'l Org. 102–145.

21. See e.g. Kenneth W. Abbott & Duncan Snidal, "Why States Act through Formal International Organisations", (1998) 42 J. Conflict Resolution 3.

22. See Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (1998); Brietzke *supra* n.19 at pp.1–56.

23. See e.g. Falk *supra* n.2 at p.8 ("Most international lawyers, whether inside or outside universities, profess to be antitheoretical. Such a profession is often accompanied, or even justified, by a conviction that theory is a waste of time in legal studies. The serious work of legal research, the argument proceeds, is to organise and analyze the knowledge that has grown up as a consequence of attempts by lawyers, judges, government officials, and other scholars to solve specific legal problems.").

abstractions would miss one of their most intriguing elements, for the publicist's endeavour is also characterised by a series of concrete questions we ask of our models: Should there be a rule of international law requiring states to offer asylum to political refugees[24] or prohibiting female circumcision,[25] for example, or should states be required to hand over war criminals to an international tribunal?[26] These are practical questions from our point of view, exactly the opposite of the abstraction of the model itself.[27] We approach these questions with great reverence because it is here, at the level of the concrete, that the model must be proven true. Indeed, it is exactly the pressing needs these questions respond to that engender our lingering self-doubt: If we cannot solve the puzzles of the discipline and perfect our picture of the world to the betterment of real-life people in concrete need, what good are we, we ask ourselves at periodic moments of self-criticism.[28]

One of the ways these models are created is by reflecting on what goes on at places like the United Nations headquarters in New York or the International Court of Justice in The Hague. When publicists work on the documents and the decisions that are produced in such settings, they usually seek to explain what the text of the treaty or the decision of the ICJ "means": They extrapolate developing lines of argument, for example, or consider how these concrete "cases" might impact upon the nature of the international system. For example, the convergence of an emerging human rights paradigm and an environmental obligations paradigm at one UN global conference conceptualised as indicating a

24. See e.g. Francisco Orrego Vicuna, "The Status and Rights of Refugees under International Law: new issues in light of the Honecker affair", (1994) 25 U. Miami Inter-Am.L.Rev. 351; Jennifer Moore, "Restoring the Humanitarian Character of U.S. Refugee Law Lessons from the International Community", (1997) 15 Berk.J.Int'l Law 51; Elizabeth E. Ruddick, "The continuing constraint of sovereignty: international law, international protection, and the internally displaced", 1997 77 B.U.L.Rev. 429; Roman Boed, "The State of the Right of Asylum in International Law", (1994) 5 Duke J.Comp. & Int'l L. 1.

25. See e.g. Erika Sussman, "Contending with Culture: An Analysis of the Female Genital Mutilation Act of 1996" (1998) 31 Cornell Int'l L.J. 193; Robyn Cerny Smith, "Female circumcision: bringing women's perspectives into the international debate", (1992) 65 S.Cal.L.Rev. 2449.

26. See e.g. Howard S. Levie, "Prosecuting War Crimes Before an International Tribunal", (1995) 28 Akron L.Rev. 429; Darryl Robinson, "Developments in International Criminal Law: Defining 'Crimes against Humanity' at the Rome Conference", (1999) 93 A.J.I.L. 43; 998; Sean D. Murphy, "Developments In International Criminal Law: Progress and Jurisprudence of the International Criminal Tribunal for the Former Yugoslavia 1999", (1999) 93 A.J.I.L. 57.

27. The archetypal contemporary example is Reisman's turn to "incidents" which is a turn *from* models of the international system *to* incidents. See Reisman *supra* n.6.

28. See James Boyle, "Ideals and Things: International Legal Scholarship and the Prison-house of Language," (1985) 26 Harvard Int'l L.J. 327.

trend in which new global and local interests work together to defeat claims of state sovereignty.[29]

At the moment, however, the dominant concept of the United Nations and its projects is that the UN is the product of a somewhat backward, outmoded set of institutions, a monument to another generation's idealism, perhaps[30] but certainly not a vision of the way forward. The reason for this view, it seems, is that the model of the international system that the United Nations and the throng of legal bureaucrats that work within its towers expound is stale. It is too rigid, too rooted in state sovereignty, unable to take into account the emergence of new kinds of subjects and alliances.[31] This outdated consciousness often is imputed also to the practitioners of international law who continue to negotiate its agreements, staff its secretariats, sit on its panels and take on its fact-finding missions despite it all. The problem with this practitioner, it is commonly if implicitly held, is that she or he continues to believe in the ethos of an outdated model.

In the pages below, I wish to reconsider our task of modelling and the artefacts it produces from the point of view of one genre of international institutional event, the United Nations global conference. Publicists of international law treat such conferences and the documents they generate with a fair degree of scepticism. In many ways, these conferences epitomise the problems of the UN model: The conference is a political rather than a legal event; it continues to labour under an overly statist model of the international system; the heavy emphasis on sovereignty and the accompanying demands of universal consensus create a "race to the bottom" effect such that any agreement is little more than a least common denominator. It is perhaps the ultimate endpoint of the discipline, as far from the cutting edge as one might go.[32] Yet at the same time, such conferences are among the most important, and quotidian aspects of the international legal practitioner's work. An understanding of these

29. See, L. P. Breckenridge, "Protection of Biological and Cultural Diversity: Emerging Recognition of Local Community Rights in Ecosystems Under International Environmental Law", (1992) 59 Tenn.L.Rev. 735.

30. See e.g. David Kennedy, "A New World Order: Yesterday, Today and Tomorrow", (1994) 4 J.Trans.L. & Contemp.Probs. 1, 2.

31. See e.g. M. C. Lam, "Making Room for Peoples at the United Nations: Thoughts Provoked by Indigenous Claims to Self-Determination" (1992) 25 Cornell Int'l L.J. 603.

32. See e.g. Paul C. Szasz, "General law-making processes" in *The United Nations and International Law* (1997) p.32, "Hard international law is, by definition, binding, at least on some international entities (states or IGOs). ... By contrast, soft international law is not binding, though perhaps superficially it may appear to be so; nevertheless, international entities habitually comply with it, and it is this feature that makes it possible to characterize it as 'law'."

conferences therefore affords a unique opportunity to inquire comparatively into the knowledge practices of the theorist and practitioner of international law and the gulf that separates them.[33]

The inquiry will require careful attention to precisely those activities that may seem undeserving of academic attention. The argument I present here draws upon ethnographic fieldwork at UN conferences as well as on an ethnographically informed reading of the writings of diplomats and other practitioners of international law.[34] Theorists of international law may rightly protest that in comparing these events and materials to academic models I am comparing apples and oranges: these writings, and the events I describe, concern the *method* of "doing" international law—the running of conferences, the drafting of documents, and so on—not a picture of the totality and implications of what those events and documents "mean" of the kind academic international lawyers aim to create and analyse.

This is precisely the point. To foreshadow the argument, it makes little sense to evaluate the successes and failures of other people's models if the knowledge practices at stake for them have nothing to do with modelling in the first place.[35] I wish to be clear at the outset, however, that I do not intend this as an assault on "our" work as academic publicists of international law on the simple grounds that it misses the mark in connecting with and guiding "theirs". My aim in presenting this short ethnographic sketch, most of all, is to stimulate interest in the nature of our own knowledge practices as a subject worthy of serious inquiry of its own.

I wish to begin with a very naive question, a question which, as experts in the discipline, we all must claim to understand *a priori*, before the more contentious debate about models can even begin, and I wish to approach it in a most naive way: What does it take to make an international document, I wish to ask, and what is a document once it is made? In order to answer this question, I propose to suspend whatever knowledge we may have on the subject, to the extent that we can, and simply to observe

33. I do not mean to imply that an impermeable divide exists between academics and practitioners of international law. For a useful discussion of the relationship between practitioners and academics, and the way in which many figures in both camps work as "double agents", see Yves Dezalay and Bryant Garth, *Dealing in Virtue* (1996) pp.70–73.

34. In this respect, this project participates in the traditional modernist anthropological ambition to understand others' social practices on their own terms. See e.g. Bronislaw Malinowski, *Crime and Custom in Savage Society* (1984).

35. Cf. Abram Chayes and Antonia H. Chayes, *The New Sovereignty* (1995), p.xi (making a similar argument, in the context of compliance with international agreements, that "it is important to understand what states, international organisations, officials and other actors actually do)". From this vantage point Chayes and Chayes assert that agreements such as the Global Platform for Action are not "merely aspirational" but, rather, are "designed to initiate a process": *idem*, p.17.

what practitioners say and do when they make and work with documents. I will use as one example, one typical[36] incident of document production the annual meeting of the United Nations Commission on the Status of Women (CSW),[37] the final PrepCom for the Fourth World Conference on Women, held at the UN headquarters in March and April of 1995.[38] The purpose of this meeting was to finalise a Draft Platform For Action[39] which was later further negotiated and eventually signed in Beijing by the ministers of United Nations member states and observers.[40]

II. DOCUMENTS

THE UN headquarters building is a conceptually elegant if overwhelming monument to modernist idealism. Le Corbusier's trademark ramp, an asymmetrically positioned cascading staircase, or an endless corridor of identical windows and security guards checking the badges of dazed bureaucrats returning from their lunch, lead the visitor from one surreal vista to the next. In the cavernous conference rooms beneath the UN Plaza on 42nd Street, semi-circular desks the length of several buildings form concentric circles around an elevated podium of sternly labelled microphones for the "chair", "rapporteur" and "secretary". Delegates work in the shadow of monumentally sized modernist paintings and sculpture on themes such as "peace" and "freedom". A walk from one conference room to another is a distance of up to several city blocks past endless glass windows several stories high that expose a panorama of modernist sculpture and beyond it, the towers of the city. For over three weeks, the negotiators, UN staff and secretariat technical team struggled here until late into the night to agree their way through the Draft Global Platform for Action—a document of close to two hundred pages—one phrase, one word at a time.

An unfathomable amount of preparatory work preceded this conference.[41] The Secretariat carefully worked out a structure of meetings of the

36. "An examination of State practice at international conferences reveals however that the rules of procedure and their interpretation follow remarkably consistent patterns." Robbie Sabel, *Procedure at International Conferences: A Study of the Rules of Procedure of Conferences and Assemblies of International Inter-governmental Organisations* 1 (1997).

37. The CSW is a sub-body of the UN Economic and Social Council (ECOSOC) and shoulders the responsibility of convening the Beijing Conference. See United Nations Secretariat, "Organization of Work, Including the Establishment of the Main Committee", UN doc.A/CONF.177/1.

38. Officially, the PrepCom was also the annual meeting of the Commission on the Status of Women (CSW), an organisation of member states elected on a rotating basis from the membership of the UN's Economic and Social Council (ECOSOC), the major UN organ of which the CSW is a part. See United Nations, "Commission on the Status of Women", http://www.un.org/womenwatch/daw/csw/. All UN member states and official observers were invited to send delegates to the PrepCom and the FWCW.

39. United Nations, *Draft Platform For Action*, UN doc.A/CONF.177/L.1.

40. United Nations, *Platform for Action*, UN doc.A/CONF.177/20.

41. Johan Kaufmann, *Conference Diplomacy: An Introductory Analysis*, 36–37 (1988).

plenary committees of the whole, subcommittees, and informal working groups. Analysts produced position papers on the key topics of the conference.[42] The Conference secretariat amassed a global survey on the condition of women throughout the world.[43] A staff of technical experts—legal drafters working under the auspices of the Conference secretariat—amalgamated regional platforms for action from each of the five UN regions into one draft.[44] Government representatives produced position papers on the document, drafted suggested amendments, circulated and negotiated these with national NGOs, consolidated their positions into regional "voting blocks". Each document, each survey, each position paper is the product of countless others, and for a while, at least, until the feeling fades into frustration, this imbues the events with a weightiness that is almost dwarfing.[45]

The work of this conference begins with government statements, and then turns to the delegates' formal proposals of amendments to the text. These amendments are then incorporated into a single text in bracketed form, and then negotiators go behind closed doors to consolidate their texts and resolve what "brackets" they can. As the text is negotiated, a secretariat works overnight to make the necessary changes and produce physical copies of the amended draft by the following day for further review. Meanwhile, negotiators draft and redraft until they recognise that they can make no more progress in the time allowed. Delegates call these tasks technical work: It is a work of cutting and pasting, of organising and

42. United Nations General Assembly, *Report on Violence against Women Migrant Workers*, UN doc.A/49/354; United Nations General Assembly, *Executive Summary of 1994 World Survey on Women*, UN doc.A/49/378; Commission on the Status of Women, *Technical Assistance and Women*, UN doc.E/CN.6/1995/6; Commission on the Status of Women, *Status of Women in the Secretariat*, UN doc.E/CN.6/1995/7; Commission on the Status of Women, *Situation of Palestinian Women*, UN doc.E/CN.6/1995/8; Commission on the Status of Women, *Crime Prevention and Violence against Women*, UN doc.E/CN.6/1995/9; Commission on the Status of Women, *CSW Priority Theme: Economic Decision-making*, UN doc.E/CN.6/1995/10; Commission on the Status of Women, *CSW Priority Theme: Gender, Education and Training*, UN doc.E/CN.61 1995/11; Commission on the Status of Women, *CSW Priority Theme: International Decision-making*, UN doc.E/CN.6/1995/12; Commission on the Status of Women, *Joint Work Plan on Women's Human Rights*, UN doc.E/CN.6/1995/13.

43. *The World's Women, 1995: Trends and Statistics*, UN Sales No. E.95.XVII.2.

44. Commission on the Status of Women, *Jakarta Declaration and Plan of Action for the Advancement of Women in Asia and the Pacific*, UN Doc.E/CN.6/1995/5/Add.1 (1994); Commission on the Status of Women, *Regional Programme of Action for the Women of Latin America and the Caribbean, 1995–2001*, UN Doc.E/CN.6/1995/5/Add.3 (1994); Commission on the Status of Women, *Regional Platform for Action—Women in a Changing World—Call for Action from an ECE Perspective*, UN Doc.E/CN.6/1995/5/Add.4 (1994); Commission on the Status of Women, *Arab Plan of Action for the Advancement of Women to the Year 2005*, UN Doc.E/CN.6/1995/5/Add.5 (1994); Commission on the Status of Women, *Dakar Declaration and African Platform for Action*, UN Doc.E/CN.6/1995/5/Add.2 (1994).

45. For a discussion of the experience of the conference as a "global" phenomenon see Annelise Riles, *The Network Inside Out* (forthcoming).

collating. It is appropriate, the chair points out in one session, for example, that a first paragraph list the facts, a second list the consequences of those facts and a third make a proposal for how those consequences might be addressed. It is a detailed, labour-intensive building-block approach. One slowly pieces the text together, phrase by phrase, heading by heading. The objective is not so much meaning but logic and language.

One tool for this technical work is the system of brackets. Bracketed text gathers together every possible alternative formulation into a messy and very lengthy document of its own. In areas in which many states wish to suggest amendments, it is not uncommon for three paragraphs of amendments to extend over twenty pages. The text is unreadable at this stage, people say, as one bracket does not relate to the next but simply sits side by side with its alternatives. The task, then, is not to make something new of this collection of language; indeed, if any delegate should try to formulate new alternatives at this stage, others will point out forcefully that this is beyond the mandate of the negotiation. Instead, negotiators work to whittle away at the brackets, consolidating these two options, dismissing that one, until they achieve the "cleanest" version possible. It is a task of reduction as much as addition.

Another technique involves the collation and reorganisation of text. One of the great innovations and achievements of the conference, from the delegates' point of view, was the addition to the document of a new chapter on the subject of "the girl child".[46] Negotiators produced the text of this chapter by combing the entire document for paragraphs on subjects related to young women, infants and girls, and virtually stringing those paragraphs together to form a text of their own. This was possible because the paragraph is a self-contained unit of information and negotiation. Its meaning, as well as its negotiated status, does not derive principally from its contextual relationship to other paragraphs.

Delegates' usage of quotation also differs considerably from the conventions of academic writing. The text of the document makes numerous implicit references to language negotiated at other conferences or set out in other international instruments. These direct but unacknowledged quotations, it is understood, reaffirm language negotiated earlier and also provide firm grounding for the claims of the new text. Thus each document—the old and the new—lean on each other to take full effect. The notion that documents link to one another the way paragraphs do engenders a rule of procedure: In practice, the Chair will not allow delegates to bracket language taken verbatim from previous UN conferences. Likewise, a deadlock in the negotiation often is resolved by a

46. United Nations Fourth World Conference on Women, *Platform for Action*, chap.IV. sec.L. paras.259–285.

proposal to quote directly from language already agreed upon at a previous conference. The language of international instruments is the building blocks of the text, pieces one might lift out of one string of paragraphs and stitch together into a new whole.

For delegates, then, the document is not simply a concrete object; it also is a set of social practices, an aesthetic of thought and action. In essence, one lives through the document. Sessions defy any distinction between writing and conversation.[47] The Chair proceeds through paragraphs one by one, calling out their number, and delegates hold up their nameplates to indicate they wish to make an "intervention" to suggest language. They read out their proposed language, then scribble it out and hand it to the secretary sitting at the podium. It is not unusual to spend several hours on a single paragraph as delegates agree to add a clause, to delete another, eliminate three alternative formulations for a certain phrase but keep two others in brackets for further negotiation. The following account, written by an experienced negotiator in a handbook for negotiators, captures something of the experience:

> Delegation L does not like the words "all governments" in the second operative paragraph. It wishes to see this appeal limited to governments that are members of the X Organisation. Delegation L can either immediately move an amendment to delete the word "all" and insert before the word "governments" the word "member". The amendment will be circulated as a separate mimeographed document. Alternatively, delegation L may not move an amendment, but merely suggest the desired modification.... Another amendment could be suggested by delegation M, which proposes to insert in the third operative paragraph after the words "to draw up" the words "in close cooperation with other interested organisations". This amendment may lead to a so-called sub-amendment by delegation N, which proposes replacing the word "organisations" by the word "United Nations specialised agencies and the International Atomic Energy Agency". ... Unless delegation M declares itself willing to incorporate these words in its amendment, the amendment of delegation M includes the text resulting from the sub-amendment. It will then be voted upon in its modified form.[48]

At the conferences, as in practitioners' writings, then, the focus of all this energy, is on the procedure by which drafts are reproduced, translated, circulated discussed, amended and ultimately endorsed. The abstract objective of the endeavour is to achieve consensus; yet consensus manifests itself in a special form, that is, in the form of what delegates

47. See Donald Brenneis, "Discourse and Discipline at the National Research Council: A Bureaucratic Bildungsroman" (1994) 9 Cultural Anthropology 23; Donald Brenneis, "New Lexicon, Old Language: Negotiating the 'Global' at the National Science Foundation" in George Marcus (ed.) *Cultural Anthropology Now: Unexpected Contexts, Shifting Constituencies, Changing Agendas* (1999).

48. Kaufmann *supra* n.42 at p.16.

refer to as "clean" and "tight" text, that is, text without brackets, text that has not been "watered down" but rather makes strong, precise statements.[49] If the parties reach consensus, the "brackets" are removed, to the satisfaction of all. If any one state refuses to agree, however, the brackets stay and people say that the text is "unreadable". If the parties formally confront one another as adversaries, they also are collaborators in the challenging task of producing this document in proper and pleasing form in time for adoption at the closing ceremony.

It is the document that captures imagination and commitment, therefore. The document matters intensely to everyone involved. It would be nonsensical to imply that international documents are irrelevant or insignificant, as realist scholars of international law sometimes do. People at the conference would take such a notion less as a challenge than as an absurdity. Copies of documents are rare and sought after. Everyone is continually searching for them; the secretaries guard their copies jealously, and at the close of the conference, delegates return home with suitcases filled with the drafts they have collected and saved. One indicator of the weighty status of the Chair is the enormous pile of documents that she carries with her from session to session.

During breaks in the coffee bar, delegates frequently talk about the relative qualities of other documents they know—the Vienna Declaration on Human Rights,[50] for example, or Agenda 21[51] on environmental issues. In these conversations as in formal negotiation sessions, they refer to these documents by the name of the place where they were negotiated ("we could use some language from Copenhagen here")[52] and indeed, these documents are like places in the landscape of the collective imagination. One must understand their geography in order to move through the conference.

One of the most common misconceptions academic international lawyers make about international legal documents is to assume that they are meant to be read and analysed for their meaning—as, for example, academics read and analyse treatises on international law. A handbook for new diplomats at UN organs in Geneva, for example, advises that,

49. This notion of the clean text has parallels to the notion of the conference documentation as "weak" or "strong": "It is weak if papers or conference documents are available only shortly before or during the conference, so that delegates have had no time to study them. It can be called strong if conference documents are available several weeks prior to the conference." Kaufmann, *supra* n.42, at p.35. See also Riles *supra* n.46.

50. United Nations World Conference on Human Rights, *Vienna Declaration and Programme of Action*, UN doc.A/CONF.157/23 (1993).

51. United Nations Conference on Environment and Development, *Agenda* 21, gopher://unephq.unep.org:70/11/un/unced/agenda21.

52. "Copenhagen" refers to the text of the Social Summit, negotiated at Copenhagen in March 1995. See United Nations World Summit for Social Development, *Report of the World Summit for Social Development*, UN doc.A/CONF.166/9.

> [I]t is very important that there be a careful study of documentation; there is nothing worse than entering a meeting not knowing what has been written on the subject. A fast reading of documentation is possible by a judicious method of "skipping". One should always read the summaries or recommendations and the table of contents. In each chapter of a well written document, the opening and final paragraphs are usually very important. Finally, it is most useful to have contact with members of the secretariat who can give you at a casual meeting a quick survey of the document and mark out particular sections or pages for closer study or explain quickly what is the thrust of the document.[53]

There is very little discussion of the "meaning" of phrases during the negotiation. For example, if one takes the general subject of the Beijing Conference as Women, however, one hardly finds it analysed. Certainly, the word appears frequently enough in the thousands of documents that circulate throughout the meeting, and certainly delegates will chide one another over the need to make progress in the name of the millions of women everywhere for whom the document is produced. Yet although one might expect this subject to be defined, expanded, in sum, modelled in various ways, in practice it is hardly clear what this subject "means" at all, and how this subject might be delineated by the scope of other UN conferences on subjects such as development, human rights, population, children, or environment. By the close of the conference "Women" as a subject has not evolved, expanded, come into focus, or been analysed in any other way parallel to the way in which the publicist's model of the international system is prone to transformation, adaptation, critique and change. "Women" is simply there, underlying the work of the conference, as a word and idea.

Rather than a text to be read or analysed, delegates treat the document as a kind of enabling technology, like the microphone, or the earphone that allows one to follow the conversation in any official UN language. One cannot make sense of the string of words coming out of the podium—a phrase from Paragraph 92, another three words from Paragraph 93—unless one's eyes are skimming across the page. A debate devoted purely to voting procedures and a subsequent vote on Resolution E/CN.6/1995/L.9, for example, is a conversation about whether or not to integrate Palestinian women into the Middle East Peace process,[54] for those with a copy of the draft resolution before them. Without the document, there is no connection, no sense.

53. Appiah Pathmarajah, "Preparing for a Meeting: Some Practical Advice to Diplomats," in *Multilateral Diplomacy* 113, 115 (M. A. Boisard and E. M. Chossudovsky, eds. 1998).

54. *Integration of Women in the Middle East Peace Process*, UN Commission on the Status of Women, 39th Sess., Agenda Item 5, UN Doc.E/CN.6/1995/L.9 (1995).

What is perhaps hardest of all for academics to appreciate is that there are no ideas here, only facts, units of non-interpretative knowledge. Absent from the document and the technical work that produces it are the very conditions and aspirations of academic work: analytical frames of reference, arguments about meaning or purpose, efforts to look at a problem or issue from a different point of view, or analytical "moves" that might render a problem more complex or expose hidden problems and issues implicit in an approach. The task is not to attempt to rethink or repackage information but rather to amass an ever-increasing amount of units of information for further use.

Consider, for example, the attempt of the Canadian delegation in one informal working group I observed to insert the issue of "diversity" into the document. The notion of "diversity", of course, is something quite different from and more than a fact; it is an interpretative perspective, a value that demands commitment and a method of taking political stock of situations, although one may use it to generate other facts (how much diversity is there in a particular institution? What difference would diversity make to our policies?) Canada proposes acknowledging this perspective in the very opening sentences of the document, as one would acknowledge at the outset one's analytical tools. The proposal, of course, takes the form of a suggested amendment. The *idea* of the amendment, the Canadian delegate explains at the negotiating table, is to point at the outset to differences among women. The *language* Canada suggests includes a list of kinds of differences among women: race, language, ethnicity, culture, religion, age, disability, and so on.

The impetus for this amendment is an analytical move, a "pointing to something". Yet the amendment turns this perspective into a set of non-specific *facts*, a *list* of differences, that can be included as a statement. Other delegates who perhaps are not familiar with the analytical perspective at issue are confused; what is the point of this list, they ask. Norway says that at the very least Canada would need to make the language tighter. And in particular, it highlights the opening phrase of the proposed paragraph, "the Platform celebrates diversity". To borrow an Americanism, the Norway delegate says (and Canada respectfully intercedes, "a NORTH Americanism"), that phrasing seems a bit corny.

When the French delegate representing the European Community speaks against the paragraph, Canada does not respond with an explanation or argument—that is impossible. Rather, the Canadian delegate simply suggests that the EU propose alternative language. The US takes the floor to say that it feels that this paragraph is very important, but that it must bracket some of the elements of the list of categories of diverse women, namely immigrants, migrants, displaced people and refugees. The conversation has turned entirely to the facts; the analytical perspective has dissipated into a new controversy about the details.

This relationship of fact to analysis is exactly the reverse of that of the publicist. Where we make information into models, the negotiators turn analytical perspectives into facts. Both transformations—models and facts—are both tools and endpoints of knowledge. Just as we use our models to think with, but also present them as the achievements of our thinking, the negotiator regards the inclusion of a list of diverse categories of women as its own negotiating achievement as well as a step in the project of negotiating the document as a whole.

The document does not come to exist through the transformation or organisation of facts, therefore. In contrast to the publicist's text which foregrounds its analytical frame, the document has a very thin and transparent organisational framework, virtually always the same progression from the Preamble to the Mission Statement to the Global Framework and cut through to the Institutional Arrangements. The paragraphs, sections and even documents themselves string together in a logic of numbering that preempts overarching analysis. Everything is on the surface, given away at the start; there is no subtlety in the "argument" for us to discover or analyse further.

III. TRANSLATION

> THE decision to admit the public to meetings of the committees, though it became the rule at Geneva and subsequently at the UN, was not achieved without a struggle, but the increasingly technical character of the debates is reducing public attendance often merely to representatives of the Press.[55]

One of the ubiquitous and indispensable enabling technologies of the UN conference is simultaneous translation. Simultaneous interpretation is a kind of sideline observer work that goes on in real time and it replicates the conversation at the moment it is said. Backroom translators also produce documents of their own—translations in each of the six official UN languages—so that one can follow a particular phrase as it is discussed from any one of six texts.

Negotiators are only too aware that simultaneous translation is an illusion.[56] It is impossible to translate perfectly, the delegates recognise, just as it is impossible to translate truly simultaneously.[57] The texts bear the mark of this translation process, for although grammatically correct, they are never quite coherent. Nevertheless, these small deviations only

55. See Georges Selle, "The Evolution of International Conferences", 5 UNESCO International Social Science Bulletin 241, 249–50 (1953).

56. "Translators, working behind the scenes, are charged with the translation of documents, including draft resolutions, into the working languages of the conference. The great time pressure under which translators work sometimes result in minor errors being made. In such an event a correction is promptly issued". Kaufmann *supra* n.42, at p.44.

57. James Boyd White, *Justice as Translation: An Essay in Cultural and Legal Criticism*, 254 (1990).

intensify the collective awareness of the importance of translation. It is a kind of mysterious feat (as well as a banal technical process) precisely because all involved understand that perfect replication is impossible.

We thus have another feature of the negotiator's work: the simultaneous self-reproduction of the document in forms that come close to, but do not quite equal replication. Delegates understand that what one reads at a conference is always the product of a myriad replacements of one series of documents by another in a chain of succeeding preparatory conferences and that what one hears is the replication of many other conversations. The drafting session, for example, encompasses many other conversations happening simultaneously around the table, for as delegates propose and respond to the language of a possible amendment, negotiators for particular voting blocs debate the same language among themselves and report the debate to a caucus of the voting bloc in the next room, which in turn debates it as well. In the case of a difficult or significant point, those representatives will in turn call their capitals for instructions on how to proceed, and a similar debate will take place on the other end of the telephone. Simultaneous to this work, NGO representatives obtain the text as it is discussed and hold their own meetings to draft and redraft the same text which they feed back into the negotiation room. At times, the effect of simultaneity breaks down momentarily, and the conversation in the drafting room stalls while the chair waits for the group representing a particular voting bloc to come to agreement among themselves so that they can present their position, or the meeting must be adjourned to give states time to contact their governments because of a time change or a national holiday in the capital.

Translation is a manifestation of the fact that the conversation can take many different forms at the same time. In this respect, the conference witnesses many other kinds of "translation" that transform the document into further versions of itself. As delegates negotiate text, many people (including the delegates) restate the "technical" details as *issues*, or accomplishments, and communicate these in oral conversations, in newsletters, in press releases, in news conferences, in interviews, demonstrations, songs, political banners, radio and television programmes, or newspaper articles.[58] Just as the translation transforms an Arabic text into a French one, this translation is understood to reproduce the text in a way

58. See e.g. International Women's Tribune Centre. "Anatomy of the Platform for Action", (1995) *The Tribune* 54: 12; Asia-Pacific NGO Working Group. "Strategic Objectives from the Platform for Action" (1996) *Reaching Out* 2(4): 6–7; The National Council of Women, Fiji, Post-Beijing Seminar. Suva, Fiji (1995); Women's Environment and Development Organization, "Top Twelve Topics at the Beijing Women's Conference ... and a Brief summary of Actions Recommended in the Platform for Action" (1995) *News and Views* 8: 3; Women's Environment and Development Organization "Turn the words into action!" Highlights from the Beijing Declaration and Platform for Action. 30 Nov. 1995.

that virtually replicates it, albeit in different form. It is these translations that will ultimately make the document a globally significant entity. We might say that the document becomes real in the multiple and simultaneous acts of translation that surround it.

As an example of this translation work, consider the task of drafting the Beijing Declaration,[59] a short statement of the governments aimed at introducing the Global Platform for Action. The drafters repeatedly reminded themselves that, "this declaration is not just for the UN or for the press but for the women". As one participant put it, "We recognise that at the end of the day, what the media will read, what the women will read, will be not the platform but the declaration." We might understand the Declaration as the official translation of the document.

If this translation had a different audience (or more accurately, unlike the text itself, it was drafted with an audience in mind), it was also work of a very different kind. Where negotiators paid little attention to style in drafting the main text, here, style was of paramount concern. The style the drafters had in mind, too, was explicitly understood to be symmetrically opposed to the style of the main document. Text had to be "short and concise", they reminded one another. The drafters even considered abandoning the style of UN documents altogether to "finish with urgency—ACTION NOW!" Ultimately, they abandoned that idea, however, because, as the Canadian delegate put it:

> There's a difference between catchy, media grabbing phrases and declaratory language. We should be clear. These are very different things. If we're talking about a declaration, then there should be a certain style.

The US agreed: "Stateliness".

The purpose of the exercise was understood to be to render to the abstractions of the document more concrete. One negotiator suggested that,

> in the first sentence, we should have the key word, "women"; we should have very simple sentences. We should say what we mean in simple language. Even empowerment is abstract. We should use layman's language, not technical language ... concrete language rather than abstract ideas.

The intellectual task, too, was quite different here. In contrast to earlier efforts to piece units of language together, the negotiators now aimed to define "issues", to identify "cross-cutting themes". As one put it,

> I'm approaching it in answer to the question, "what was Beijing about". We have had 20 years of conferences, so it's, "where have we come and what have we learned?"

59. United Nations Fourth World Conference on Women, *The Beijing Declaration*, UN doc.A/CONF.177/20.

This, in turn, generated for the first time a problem of meaning. As one drafter put it, "This is very difficult—we have been using all these words like 'sustainable development' and 'mainstreaming'. But what do they *mean*?"

We might think of this translation work as parallel to the concrete problems that the publicist puts to his or her models. Both the incidents the publicist seeks to resolve and the translations diplomats and observers of UN conferences make of the document give these artefacts a sense of depth, an identity, a feeling of realness. By turning itself analytically toward alternative sets of concrete problems, for example, the model displays its multiple facets—it ceases to be simply an idea on paper. Likewise, by endlessly replicating itself in nearly identical forms, the practitioner's artefacts solidify into a core identity that becomes imputed to the document itself. A common theme in the translations emerges and becomes understood as the document's significance or meaning.

Yet the similarities end there. Where the resolution of the puzzle or incident is an operation the publicist performs on her model, translation is the work of numerous and diffuse subjects from negotiators to journalists to linguists. Likewise, where the publicist's proof is achieved by switching down to the level of the concrete in the same way, for example, that they imagine international law itself to switch from an international plane of negotiation to a national level of implementation, it is impossible to say whether the translation is more general or more concrete, or for that matter more global or more local than the document itself. Translation takes multiple forms. It does not work through a singular logic of scale.[60]

IV. MODELS AND INCIDENTS, DOCUMENTS AND THEIR TRANSLATIONS

IN the work of the publicist and the practitioner, therefore, we have a contrast between two kinds of knowledge practices. On the one hand, there is the publicist's knowledge that models or envisions an "international system". This modelling proves itself through applications to real world "incidents"—by attempting to answer the question of how should one resolve the refugee crisis in Kosovo, for example. This can be contrasted to the practices of producing a document. As we saw, the latter works by piecing together units of information and turning issues and analytical tools into statements and facts. If the publicist's model gains depth through its applications, moreover, the document creates its own depth through endless replications and restatements or translations.

60. See e.g. Marilyn Strathern, *Partial Connections* (1991); Annelise Riles, "The View from the International Plane: Perspective and Scale in the Architecture of Colonial International Law," in Eve Darian-Smith (ed.) *Laws of the Postcolonial* (1999).

Unlike the model, the document's authority does not depend on the appeal to a "real world" outside and beyond itself, in other words.[61]

We might return now to the academic perception of the practitioner as a slightly more naive, slightly less erudite and slightly smaller scale version of him or herself. While he is competent and affable, he tragically continues to adhere to what are hopelessly simplistic and outdated models of the world. Consider, for example, the following complaint:

> Generalising from their domestic orders, many member states of the Group of 77 approach to international life transfixed a *dirigiste*, or directive, model. The single most distinctive characteristic of the dirigiste model is the emphasis it places on central guidance, to the neglect of interactions. Politics in this model becomes the "administration of things".[62]

The practitioner is a well-meaning person who busies him or herself implementing an outdated model one paragraph, one document at a time. In this view, the publicist is an exponentially more sophisticated version of the practitioner since the former disposes of the labour-intensive leg work of document production and simply produces the final product of numerous conferences, judicial decisions and documents—the distilled model of the international system. What the practitioner does on a local scale, we might say, the academic does on a global one.

One implication of this assumption, of course, is that the publicist need not inquire much into the knowledge practices of the "international legal professional"; these can be inferred, more or less, from those of the "international legal intellectual".[63] For if all those hours of drafting and negotiation can be distilled into the implementation of a model or world view, the academic can take the entire project into account simply by apprehending, analysing and eventually dismissing the practitioner's model. Of course, one of the great academic irritations is that practitioners never actually have given much credence to the academic's claim

61. Put another way, a central feature of the document's aesthetic is that it conjures forth no interpretative context. Although context is not their word, if asked, those involved in its drafting might just as easily claim that the document is context to the conference at which it was created as vice versa, for they approach this conference as the culmination of many documents, drafts and drafting projects oriented toward the Platform's production. In any case, to read the document as reflecting the context in which it is drafted is tricky business; the document does not aim to point to anything other than itself. If the call to interpret law in context refers to taking into account the social relations that create the text, we have here an artefact that wants nothing of benevolent attempts to make it multi-dimensional or real in this sense.

62. Noel Lateef, *Parliamentary Diplomacy and the North-South Dialogue*, (1981) 11 Georgia J. Int'l & Comp.L. 1, 2 (notes omitted).

63. See David Kennedy, "The Disciplines of International Law and Policy", (1999) 12 *Leiden Journal of International Law* 9, 10. Kennedy's failure to discuss those he terms "professionals" as opposed to "intellectuals" is all the more striking for a survey of international law and policy because of the care he takes in delineating the issues that separate and define public international lawyers, comparative lawyers, and international economic lawyers.

to meta-practice. Indeed, they generally treat the treatises and articles that academics churn out as largely irrelevant curios that one might cite from time to time for extra flourish.

To the extent that the view of the practitioner described above is taken as a serious representation of the practice of international law, however, it is based on a profound misinterpretation of what practitioners do and say. First, on a most basic level, even a short visit to UN headquarters will dispel any notion that practitioners of international law lack an appreciation for the problems of institutional structure bequeathed to the United Nations by international lawyers of an earlier generation. Parallel to the grand and hopeful statements such practitioners may make on behalf of their governments in plenary sessions, or the models they may produce when prodded for one by the publicist, is a scepticism, and even resignation at the fact that very little progress, in that sense, will come of their work. Outside the negotiation hall, the practitioners joke bitterly about the tactics of adversaries or the ineptitude of the secretariat. Critiquing their very own enterprise is as much a part of the knowledge practices of the diplomat as is producing the material for that critique.

More importantly, as I have attempted to illustrate above, an evaluation of the practitioner as a person and the document as a product in terms of their model of the international system is an evaluation rooted in a quite separate aesthetic. The knowledge that characterises the document is knowledge that does not create models, nor does it rely on such models to do its work. Rather, it begins with a collection of facts—units of knowledge neither abstract nor concrete—and pieces these together laboriously into a great chain of words, phrases, paragraphs, documents and conferences. As an artefact of such practices, the document is to be evaluated in aesthetic terms. How tight is the language, for example? What usage has been made of other texts? What new formulations of state responsibility does it suggest? Just as it would be largely nonsensical to evaluate the models of publicists in terms of an aesthetic of units, to treat the document either as a formulation or building block in the elaboration of a model of the world system is to read the document entirely wrong.

This in turn suggests that at least where the model takes as its "data" or "incident" a UN global conference, things may be considerably more complicated than the neat picture of the academic model as a more global version of what practitioners do. For as we saw, there was nothing about the conference that the publicist might straightforwardly appropriate as a smaller version of his knowledge practices. The notion of what was concrete and abstract, what was large and small, central to the notion of the puzzle as a smaller, more concrete instance of the model as a whole, dissipated into multiple translations. It is no wonder, therefore that the publicist experiences the moment of proving her models through

concrete legal problems as a moment of crisis. For in order to maintain what is treated as the simple scale of the model, he or she must work with very different kinds of knowledge, all the while pretending that one is simply a sub-set, a smaller version of the other.

Three conclusions emerge from the material above, then. First, the theoretical model is not inherently bigger or smaller—more or less global—than the legal document, or the problem the model solves, for that matter. Second, there is nothing inherently more concrete about the problems we use to test our models, or more abstract about the model itself. Third, to the extent that the traditional ways of doing academic international law are defended on grounds that they speak to how states, lawyers, or other "real world" actors reason and act, one might define an entire catalogue of other genres of knowledge practices which are equally deserving of membership in the category of kinds of analysis that would "count" as international law.

Indeed, my point in raising these issues is not so much to show up the publicist as either the arrogant coloniser of the homely masses of practitioners, or to paint the academic works of international law as irrelevant ruminations utterly detached from the real world of practice. On the contrary, I suggest that we think of academic work as translation, on par with other kinds of translation explored above. Likewise, the work of the publicist—the identification of legal issues and the extrapolation of trends noted at the outset of this article—epitomises the work of translation which transforms the document into an entity of another form and in the process, gives it a meaning, makes it intelligible. This formulation fits comfortably, I think, with the self-image of the publicist who understands him or herself to take as raw material the works of the practitioners and to make of them something of an entirely different kind by building them into his or her models.

V. CONCLUSION

DEBATE in international law, whether among mainstream scholars or international law's critics, whether it involves lawyers or social scientists, scholars associated with the "West" or those associated with the developing world begins from the premise that international law is founded on a set of liberal political values.[64] My objective here has been to turn attention from international law's political foundations to its epistemological ones. A comparison of the knowledge practices of the academic and the practitioner of international law brings into relief just

64. This understanding of international law as the institutionalisation of a liberal political philosophy is most often traced to Immanuel Kant's work on International Law. See Immanuel Kant, *Perpetual Peace and Other Essays on Politics, History, and Morals*, (1983); and *The Philosophy of Law; An Exposition of the Fundamental Principles of Jurisprudence as the Science of Right* (1974).

how peculiar the academic's epistemology might seem. This epistemology of modelling, of treating the world of ideas as a larger, more global version of concrete "incidents" is the common language that allows debate between schools of international lawyers; the terrain on which we wage our internal battles.

At the same time, however, one of the great anxieties of international legal theory concerns its nature as an abstract, analytical, and therefore somehow irrelevant endeavour. This anxiety proceeds from a partial recognition among publicists that the real world is not a smaller scale version of our academic knowledge practices, even as we believe that our work depends on struggling to maintain the illusion that it is so. An ethnographic account of one episode of international legal activity suggests that if we wish to harmonise our knowledge with the concrete needs of the practitioner, we would do just as well to turn to an investigation of aesthetics and epistemology as to seek to prove our models through small and concrete cases. Although it may sound absurd to claim that mainstream theory of international law could be about anything other than a model of an international system, it may be that such an absurdity is already upon us.[65]

65. In his 1953 speech on international service, Brock Chisolm, the first Director-General of WHO, summed up the qualities necessary for what we might call the practitioner of international law. First on his list was a knowledge of history. Second was a "knowledge and appreciation of semantics, that is, the meanings of language, the use of words, the misunderstandings that may come not only through mistranslation from one language to another but because of the great variety of overtones, the different meanings that attach to the same words even in the same culture and especially in cross-cultural relationships". Third was a knowledge of world religions. Fourth was a knowledge of "the techniques of the sociologist". Fifth was social psychology. Sixth was "minor psychopathology", a knowledge of the peculiarities people show, why they become annoyed, what tends to irritate them, what prevents their being friendly with certain kinds of people under certain circumstances, how the need for recognition, for prestige, for power, for importance works and why these things are so tremendously important to individuals and even to large groups of people. Only after this, in seventh place, was a knowledge of international law. See Brock Chisholm, "How to Think and Act Internationally", reprinted in *Multilateral Diplomacy* 107, 108 (M. A. Boisard & E. M. Chossudovsky, eds. 1998).