A Constructivist Approach to Maritime Spaces

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Seas and oceans are not leading players in International Relations (IR). Maritime spaces have been considered to be physical media where agents interact or project their interests and their abilities to attain their objectives. Despite their importance in the expansion of international society, seas and oceans are characterised as spaces in which international politics take place. Considering the connection between Maritime Studies and IR, why then are maritime spaces treated as marginal and how is their importance to politics to be understood? This marginalisation has come about because of the role assumed by maritime spaces in IR. As they are not endowed with agency, IR do little to explore both the social role of maritime spaces and their impact on politics: maritime spaces are means, not sources or ends, of action. Taking the norm-based Constructivism of Nick Onuf as theoretical lens, we suggest that maritime spaces act as institutions, i.e., as imbued with a set of rules and practices that, repeated over time, have fostered stable patterns of action suited to agents' intentions, thus stabilising expectations and procedures.

We explore these questions in a lengthy fashion in the forthcoming edited volume "Nothing, but the Sea: Global Dialogues on Maritime Domain" (Routledge 2022). In this article, we present a shorter version of our chapter.

The marginalisation of maritime spaces in International Relations

The marginalisation of maritime spaces should come as no surprise. IR is a field where states predominate and feature as leading actors at the international level. The logic of rational actor places agents at the centre of decision making, and the means they use to attain their objectives are merely instrumental and exogenous.

The sea has been presented as a medium for projecting power and a platform where international relations are constructed out of interactions among states, non-traditional political communities, and non-state actors. The use of maritime spaces as media for projecting power or world domination is a recurring theme among authors in this field. Take *Pax Britannica* as an example: the sea was central to British hegemony not just as a waterway, but also for trade and contact among nations – including issues of war and peace. Maritime space reflects the context in which international politics were forged.

In our forthcoming chapter we present examples taken from different areas, such as Geopolitics and IR Theories to provide basis for our critique of the marginalisation of maritime spaces. We show that, although central to operationalising their theories, none of the authors and approaches endorse a leading role for maritime space. Maritime spaces figure in their analyses as a function of the realities states have faced in specific historical epochs.

A similar critique may be raised regarding the literature on regionalism and security studies. The peculiarities and distinctive nature of maritime spaces neglected to the detriment of tenets adapted from land-based categories, including the application of major concepts (Gonzalez, 2020), leading to significant analytical limitations. The concept of maritime security itself falls within this grey zone. The term "maritime security" is used in the literature to justify the development of strategies to cope with situations of instability and threats in maritime spaces. It serves as an umbrella term applied to national security, maritime environment, economic development, and human security. However, threats are seen in association with land space, suggesting that the discussion of maritime spaces is not afforded autonomy, but derives from epistemological debates considered more relevant to the field.

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Norm-Based Constructivism

We critique the role attributed to maritime spaces by IR through the analytical lens of Onuf's norm-based Constructivism. We present this theoretical reference in the subsequent paragraphs.

Norm-based Constructivism treats rules as links that connect society and individuals, influencing their relationships and the manners in which they constitute one another mutually. As the world out there is not predetermined, agents cannot be understood outside their social relationships: it is these social relationships that constitute them as they are. It is thus agents who make the world what it is through social interactions and in what we do and say to one another. While IR positivist approaches correlate the world out there with reality and truth, norm-based Constructivism refutes those ideas. Truth – and consequently the world out there – are not given for us to observe. They are conditional on a system of meanings in which actors are both embedded and which they construct by way of speech acts.

The most important way of constructing the world is through what we say: saying is doing and, accordingly, agents make society and society makes agents. Political actors construct, access, and understand the world out there based on how speech acts are used. This not only reflects how we act, but functions equally as a basis for action properly speaking. As such, rules are fundamental parts of social life. They tell us who the active participants in society – the agents – are and determine who can be considered an agent in society, based on declarations that express *what* people *should* do. The "what" is the pattern of behaviour to be adopted, while the "should" is the behaviour's fit with that pattern.

Agents have the ability to make choices and can deal with rules in differing ways – on their own behalf or on behalf of social constructions – which includes following them or suiting them to the socially-constructed world. Rules are expected to be followed, and non-compliance has consequences expressed by other rules. By way of choices made by agents, the material world becomes a social reality. From their choices, their responses to rules, and the patterns resulting from those responses, agents' interests can even be perceived. Agents do not need to display self-awareness of their interests to act based on them, because people do not need to think of themselves as agents to be agents. Nonetheless, although enabled by rules, the capacity of agency is always limited.

Because of either material or social constraints, agents are not free to act at will. Agents' freedom depends on their ability to acknowledge the material and social constraints on them. When rules afford an agent the opportunity to act, they impose limits on the other agents' autonomy, so that on the social plane there is no full autonomy. Rules transform aspects of the material world into resources available for agents to use, in addition to making resources of agents and institutions. Agents exercise their freedom by choosing to act in one way or another in situations where choice is unavoidable.

In that context, it must be considered how the content of rules (i.e., to whom they refer and in what situations, as well as what responses are expected) is expressed. This is done by way of speech acts, which will have results if whoever is listening to responds to what is being said. *Assertive speech acts* are rules that inform agents how things stand and the likely consequences of disregarding that information. *Directive speech acts* are imperative in nature and contain information as to the consequences of disregarding the rules. *Commissive speech acts*, meanwhile, which involve promises in the event the rules are complied with, characterise rights and duties.

Although speech acts are central to social life, they themselves say nothing of any future situation, i.e., whether the speech act and the response to it will repeat in time. However, if the speech act is repeated to the same general effect, those involved will believe that the repetition is important, leading to a convention. Conventions operate in a manner analogous to rules: while the latter state what agents should do, conventions remind agents of what they have done. Agents come to believe in the social construction that it is the words themselves – rather than the speaker – that are responsible for whatever happens.

Similar to conventions, institutions remind agents of what they have done and, by virtue of their stability, make it explicit that not only do agents act within a certain constitutional framework, but they also act on that framework,

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collectively changing both institutional traits and themselves in the process. Institutions are sets of rules and practices that, by repetition over time, produce stable patterns of action suited to agents' intentions. They respond to these impacts within an institutional context, institutionalising the structure under rules for dealing with such situations, which are the social arrangements.

All three types of speech act are present in institutions, but depending on the predominant type, there will be a specific type of corresponding social arrangement. When *assertive acts* predominate, agents are arranged in networks of rules and practices. When *directive rules* are most in evidence, there are chain-of-command or organisational arrangements, where each agent is designated to occupy a social position. Lastly, *commissive speech acts*, involving commitment, tend to be associated with agents in partnerships or associations with other agents, where roles are distributed to agents under rules of commitment.

The patterns of agents' choices have overall consequences, whether intended or not: they affect the distribution of material and social benefits among the agents, thus impacting control over resources and over other agents and their activities. Consequently, some agents benefit more than others from the institution and, with time, institutions promote advantages for some at the cost of others. Accordingly, agents who benefit more from the rules are more inclined to obey them, while those who benefit less may obey or break them, resulting in a loss of benefits for other agents.

Agents respond to rules with the resources available to them, and asymmetry in access to those resources through institutions means that some agents exert greater control than others over the content of the rules and over success in their being followed. The result is that rules (and institutions) lead to rule, a condition in which some agents use the rules to exert control and obtain advantages over other agents. Rule is a stable, but not necessarily symmetrical, pattern of relations. Anarchy is an example: rules are not directly responsible for how agents conduct their relationships in an anarchical environment. Nonetheless, rules do guarantee that unintended consequences hold and, when that happens, it is because some agents intend things to be that way and promote rules of different types, which lead to rule of different kinds.

To the extent that agents make choices and other agents are affected by them, institutions produce consequences that agents cannot avoid, but they are aware of, and can react to, them. These unintended consequences form a stable pattern of effects on agents.

Assertive-rules reinforce the status of rule through ideas and beliefs. Other agents' acceptance of such ideas and practices promotes indoctrination and constitutes hegemonic rule. *Directive-rules*, on the other hand, reinforce the positional dimension of rule organised into a vertical chain of command. This is hierarchical rule, which may be formalised into legal rules. Hegemonic ideas reinforce formal hierarchies, resulting in authority or legitimate control.

Lastly, *commitment-rules* reinforce roles defined by and with reference to other roles. Although no role or institution transforms agents into rulers, formal commitment-rules do tend to hierarchy. Overall, roles can produce rule, not because they reinforce other forms of rule, but because agents in association are rulers, even though none of them, in isolation, is, provoking unintended consequences.

When agents intend to be dominated by unintended consequences, the result is not anarchy, but heteronomy. Autonomous agents act freely, while heteronomous agents cannot. Agents are always autonomous, but their autonomy is limited by the autonomy of others. Accordingly, heteronomy – autonomy exercised in practice – is a social condition reflected in the international system.

Maritime spaces as institutions

To arrive at a constructivist understanding of maritime spaces as institutions, the analytical toolkit presented should be perceived as it operates in social relations between agents and the socially constituted world out there. As zones of exchange where nations interact politically, maritime spaces should be analysed as socially constituted political spaces. When maritime spaces are considered to be institutions, their social relations can be seen to be guided by

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speech acts that foster patterns of practices and rules. These patterns reflect agents' interests and objectives, and lead to the production of outcomes within what are considered to be acceptable expectations.

Rules of the three types exist in all institutions. However, the principle of sovereignty makes directive rules scarce. They do appear informally, even though agents may deny their existence. International relations are social relations, and IR analytical framework acknowledges that assumption, which follows from the idea that international anarchy is itself a social arrangement.

To say that international relations are anarchical is not to argue that there are no rules on the international plane. Anarchy is a large-scale social arrangement where heteronomy predominates, and agents operate with their autonomy limited by the autonomy of other agents. There is thus a social structure that fosters a stable pattern of unintended consequences relating to state sovereignty that is replicated in maritime spaces and expressed in different legal categorisations.

Agent autonomy and the establishment of rule under the influence of rules should be associated with maritime spaces, particularly as regards the freedoms of the high seas and of navigation. These freedoms have been present in political history since at least the writings of Hugo Grotius and were a driving force behind the Great Navigations and the overseas expansion of international society. The very assumption underlying those liberties must be understood as a social construction between agents and social arrangements.

Firstly, the sea must be seen as a domain of heteronomous rule where international maritime relations take place. In the maritime space known as the high seas, agents' autonomy is limited only by the autonomy of other agents. The liberties listed in Article 87 (1) of the United Nations Convention on the Law of the Sea (UNCLOS) are limited by the same liberties of other agents. Categories such as exclusive economic zones and territorial waters are, in turn, manners of ordering maritime space by analogy with terrestrial space and State sovereignty.

Part VII of the UNCLOS contains the norms that define agency in maritime spaces for States, whether coastal or land-locked, and also sets out how international maritime relations should take place. As a result, on the high seas, rule is exercised by no particular agent, but by all in association as an unintended consequence of acts that are disordered but legitimised to the extent that agents perceive an overall pattern of unintended consequences.

Repeated over time and yielding stable effects among agents, liberty of navigation and liberty of the high seas have produced produce expectations according to the actions of the agents involved. Maritime spaces can be seen to have become institutionalised to suit not only the agents' intentions, but also the dynamics proper to international relations. That fit with agents' intentions has also resulted in their being subsumed under constantly dynamic normative frameworks, such as common law. In this case, and interconnected with political practices, the ideal of liberty of navigation has expanded to other related activities, such as overflight, scientific research, island building and cable laying.

However, the liberty of navigation and freedom of the high seas enabled the European powers – and, during the twentieth century, USA, China, and Russia – to project their power over their areas of influence around the globe. Accordingly, whether to contest the predominance of others or to establish one's own, the rhetoric of liberty of navigation and freedom of the seas gained stature and strengthened the role of maritime spaces in international relations.

Even though it may be argued that the liberty of navigation has benefited only some agents over the course of History (prime examples being the Dutch East India Company, which commissioned the book The Free Sea directly from Grotius, and Wilson's 14 points, which reflected the USA's ambitions towards the ports necessary for its international presence), agents gradually perceived the favourable impacts of acting on those premises. Practices became institutionalised and were subsequently reinforced by being formalised in, for instance, the UNCLOS.

Also, so as to adjust to the social arrangement that was forming out of international relations, agents introduced new norms and arrangements, which enabled their territorial sovereignty to extend to maritime spaces. The stability of

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these rules and institutions over time formed a social structure that extended to maritime spaces; that is to say the territorial waters, exclusive economic zones and other arrangements resulting from norms that corroborate the social arrangements dating from the Treaty of Westphalia.

Contrary to what is suggested by IR, maritime spaces are used not only as a medium in which to act. There, heteronomous rule is constructed as the way autonomy is exercised constitutes a permissive social condition for agents. That permissiveness indicates that maritime spaces do not constrain agents to act in any certain way, and nor do they prevent agents from doing as they wish. On the other hand, the limitations imposed on them reflect the autonomy of other agents.

The construction of IR has marginalised that ethical dimension of maritime spaces. IR insists on considering only the agency of states and of other actors occasionally considered to be agents. On a constructivist reading, however, maritime spaces operate as political zones of exchange among agents, in which reality and the world out there are resignified in such a way as to adjust to the interests, intentions and interactions among agents and between them and the world.

Final Remarks

This piece reflects on the marginalisation of maritime spaces in IR and proposes strategies for thinking about them as political zones that affect and influence agents' behaviour. Constructivism is deployed as an analytical lens through which to understand the role of maritime spaces as institutions. Onuf argues that Constructivism offers a point of departure for looking at the world, as has been done here.

For reasons of space, certain questions could not be explored in greater depth, but issues relevant to the proposed analysis were raised. Firstly, there was shown to be a need to consider the high seas in a manner analogous to international anarchy. Both constitute instances of heteronomous rule, where agents' actions are limited by the autonomy of other agents. This entails seeing this space as a political zone, where liberties and interests interlace and permeate practices and discourses. Complementarily, maritime spaces with different significances for state sovereignty also reflect social arrangements and are resignified according to the distribution of material resources among agents.

Also, the liberty of navigation behaves as an institution in that it involves patterns of action that recur over time and also distributes resources asymmetrically among agents. The liberties that result from free navigation are suited to the demands of agents and to established realities, particularly as a result of that asymmetry in capabilities and resources.

This contribution to the discussion of Maritime Studies is intended to show the importance of maritime spaces as political zones in IR. In these spaces, agents manifest their interests and pursue their strategies based on the distribution of material and ideational resources. Future studies could investigate the ethical dimension of maritime spaces and how that dimension affects the furtherance of norms and institutions. What has been offered here is a starting point for resignifying investigation of maritime spaces by that literature. This is believed to be a necessary and welcome endeavour.

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