

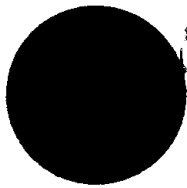
**TÜBINGER
ARBEITSPAPIERE
ZUR
INTERNATIONALEN
POLITIK UND
FRIEDENSFORSCHUNG**



Nr. 11

Volker Rittberger/Michael Zürn

**TOWARDS REGULATED ANARCHY
IN EAST-WEST RELATIONS -
CAUSES AND CONSEQUENCES
OF EAST-WEST REGIMES**

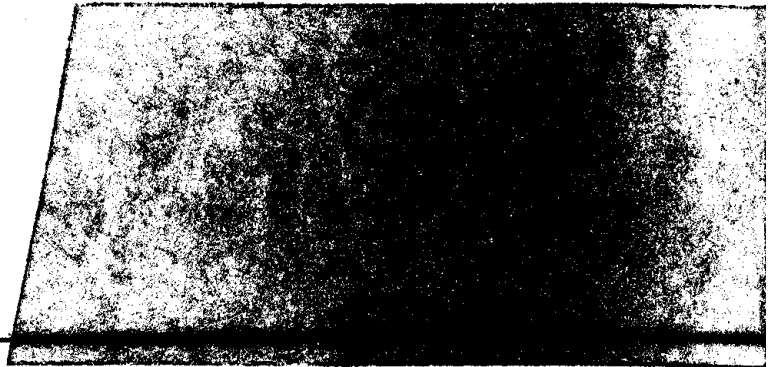


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ARBEITSGRUPPE FRIEDENSFORSCHUNG

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1. Introduction

The basic structure of the international system is usually described (not only by Realists) as a Hobbesian state of anarchy. The absence of a superimposed ruler in international politics is, according to this view, compared with the situation within national societies where a central authority, i.e. the state, prevents anarchy by enforcing the rule of law. Proceeding from this juxtaposition of international and national politics, it is most often concluded that more than ad-hoc cooperation in international politics is hardly to be expected. However, the contemporary era of international relations does show an enlargement of the realm of cooperation and its institutionalization as an alternative to the traditional forms of dealing with international conflicts, i.e. unilateral self-help strategies. This does not imply, however, that states have generally foregone the option of unilaterally seeking relative gains at the expense of other states in any issue area. While war has become hardly conceivable in the relations between states of a liberal-democratic persuasion (cf. e.g. Doyle 1983, 1986; Rittberger 1987), especially in Western Europe and the North Atlantic area with their highly developed institutions of international governance, the state of anarchy and lack of governance have remained more prominent in other segments of the international system - certainly in East-West-relations.

But even here the historical dialectic of self-help strategies and cooperation for dealing with conflicts and problems between states reveals an overall trend towards increasing cooperation despite all the fluctuations in this development. Thus, the relative enlargement of cooperation compared to unilateral self-help strategies in the international system is mirrored in the development of East-West relations since World War II. Arguing along the same line, J.L. Gaddis (1982) and H. Müller (1988b) have pinpointed a shift from self-help approaches to cooperative arrangements in East-West security relations. More precisely, they argue that East-West security relations have passed through several phases of improvement and deterioration in which cooperative arrangements proved to be quite resilient: they were not invariably dismantled during a downturn swing of the cycle even though they did not escape impairment; however, during every upturn swing of the cycle, the level of cooperation usually rose above the preceding one.

The first cooperative efforts took place during the early post-war-period when the fragile agreements about the future of Germany and the role of the United Nations were achieved. With the Truman-Doctrine or probably even before, this first upturn swing (arising from the war coalition against the Axis powers) came to an end. The second cooperative stage occurred in the mid-1950s when the Austrian State Treaty was signed, negotiations about a Test-Ban-Treaty and the avoidance of surprise attacks took place, even though without success at this time, and the International Atomic Energy Agency (IAEA) was founded. In 1958, when Khrushchev announced his ultimatum demanding a change of the post-war status of Berlin, this second upturn swing was already over. The third cooperative phase began after the Cuban Crises. The Partial-Test-Ban-Treaty, the so called "Hot Line", and the Outer Space Treaty were the highlights of this period.

it is suggested that the basic structure of East-West relations would lead us to expect cooperation to occur across a wide spectrum of East-West relationships notwithstanding the possibility of variations of its scope and its intensity. With this in mind, an analysis of these variations requires first that the cooperation- or even regime-proneness of various types of issue areas be determined (section 4.1.). Once this task has been completed in a systematic manner, the analysis has to turn to an explanation of why international regimes have been -or have not been - established in issue-areas with different levels of regime proneness (section 4.2.)

(3) As a next step of our analysis the often deplored lack of knowledge about the consequences of international regimes will be tackled in section 5. Robert Keohane's valuable work about the functions of international regimes will provide the point of departure. This discussion shall be broadened and confronted with empirical observations. The consequences of the existence of East-West regimes can show up, first, in the issue area itself in which an international regime has been established and, secondly, in other issue areas as well.

(4) This will lead us to our last point and, at the same time, back to our starting point: If East-West relations encompass both competitive interaction based on unilateral self-help strategies and cooperation including international regimes, which do in fact matter, the question arises whether the term "anarchy" can still be used to conceptualize the basic structure of this segment of international relations. The emergence of cooperative arrangements which can be interpreted as manifestations of international governance suggest the need for a more discriminating concept - regulated anarchy - which denotes a condition of rule (regularized norm compliance) without a hierarchically superimposed ruler.

2. Conceptual Remarks: Conflict and International Regimes

The emphasis on keeping the analysis of international regimes tied to specific issue areas follows from the assumption that research on international regimes - as on international cooperation in general - must be grounded in a firm understanding of international conflict and of the ways states deal with its manifestations. This assumption requires some elaboration of how the terms "conflict" and "conflict management" will be used throughout this study. This distinction between conflict and conflict management already make the point that conflict - or "discord" in Keohane's terminology - and cooperation do not represent opposite poles on a behavioral continuum.³

3 In their pioneering quantitative work on East-West relations, Frei and Ruloff (1988:21) acknowledge that it is too rigid a view, shared by most analysts of East-West relations, however, that "conflict and cooperation are the different sides of the same coin or, in other words, opposite regions on a single dimension." Instead they take the position "that conflict and cooperation among states are (perhaps) two separate, although to some extent correlated, dimensions." Our analysis differs from theirs insofar as they treat "conflict" as a purely behavioral variable whereas we distinguish between "conflict" and "conflict management" the latter encompassing the whole range of behavior which actors exhibit in dealing with conflicts.

Rather, if we accept Keohane's definition of cooperation "that the actions of separate individuals or organizations - which are not in pre-existent harmony - be brought together into conformity with one another through a process of policy coordination" (Keohane 1984:51; 1988:3), it becomes obvious that cooperation is one way of dealing with discord or, put differently, a conflict management mode.

The approach toward analyzing the conflictual elements of, or lack of harmony in, East-West relations and the ways in which states in West and East collectively deal with them requires an explication of the terms "conflict" and "conflict management"; a third basic term "conflict intensity" must be added in order to allow the study of conflict evolution - both as a consequence of conflict management and as an independent variable possibly impinging on conflict management. All three terms are crucial to research on East-West regimes if "regime" is meant to refer, as we do here, to a particular - cooperative - mode of conflict management.

First, we conceptualize "conflict" in such a manner as to make the term usable for denoting a large variety of objects of contention (or issues) between two or more actors rather than for characterizing the totality of their relationships.

Secondly, the term "conflict management" opens the perspective on a wide variety of ways of collectively dealing with conflicts and, at the same time, allows us to select, from among the various modes of conflict management, one to which the term "international regime" applies.

Thirdly, adding the term "conflict intensity" provides us with the analytical capacity for looking at conflict transformation at two levels, that is, the level of conflict and of conflict management, as well as for studying the possible interactions between conflict management and conflict intensity.

Our conceptualization of the term "conflict" follows a "sociological" approach. The "sociological" approach toward conceptualizing "conflict" differs from the "socialpsychological" and "semantic" approaches in that it focuses on the incompatibility of goals with respect to certain material or immaterial values as its distinctive criterion. Conversely, the "socialpsychological" approach identifies "conflict" with aggression resulting, for instance, from frustration-induced tensions within an individual, group or society, and the "semantic" approach sees the locus of conflict in misunderstandings between two or more actors⁴.

Moreover, we are not convinced by the major thrust of International Relations research which is directed towards looking for possibilities of reducing the number of conflicts or of eliminating

4 For the distinction between the "sociological", the "socialpsychological", and the "semantic" approach to the study of conflict cf. Bernard (1957).

them altogether. Rather, we follow authors like Coser (1964) and Dahrendorf (1961) in evaluating conflicts as functional and desirable for all kinds of societies, including the world-society. In this perspective, it is above all the way in which actors handle conflicts that may be called dysfunctional. Thus we subscribe to the "liberal" theory of conflict by arguing that it is both feasible and desirable to seek **regulated** conflict management rather than to strive for the - elusive - solution of conflicts.

By adopting this approach to the study of conflict we do not find useful a narrow definition of conflict such as Link's (1988:42) (who is following here Kurt Singer very closely) because he introduces the element of "critical tension" of the overall relationship between two or more actors; thus there can be but one conflict between them at a time. Taking instead Czempiel's (1981) notion of conflict as "positional differences over values" as our point of departure we adopt a more restrictive view by limiting the meaning of "conflict" to those positional differences over values which are incompatible, that is, neither necessarily irreconcilable nor just differences of opinion.

Thus, we define "latent" conflict as a situation in which two or more actors pursue incompatible goals or choose incompatible means to achieve either the same goal or different goals. A "manifest" conflict is said to exist if and when the incompatibility of goals or means is perceived as such by the actors and exerts an influence on their actions. In summary, conflict presupposes an object of contention, of material or immaterial nature, between two or more actors who do not, and cannot, agree on whether, or how, to create it, to keep it in existence, or to distribute it among themselves. Every real conflict arises from at least one such **object of contention**.⁵

In our inquiry we are primarily concerned with those manifestations of conflict-related behavior which represent the efforts of parties to cope with the incompatibility of the positions which they have taken as regards one or more objects of contention. Put differently, we seek to explore the variety of modes of conflict management and, specifically, those modes of conflict management which preclude the use or threat of force.

As to the modes of conflict management we basically distinguish between "unregulated" and "regulated" conflict management.

Unregulated conflict management consists of adversarial behavior governed by short-term "realistic" calculations of interest and power. Here, actors seek to achieve their goals at the expense of other actors or employ means the use of which has clearly harmful consequences for

5 The terms "object of contention" and "issue" are used interchangeably in this study. This implies that we add to the definition of issue as "a matter involving and/or requiring the authoritative allocation of values by collective action" (Coate 1982:46) the aspect of a positional difference with respect to the collective action.

them. Compromises are not excluded, but such cooperation as does occur is of an ad-hoc nature, intermittent, and unstable. A special case of unregulated conflict management is "controlled" conflict management denoting a situation in which there are weak rules accompanied by an informational forum allowing for communication between the parties. However, controlled conflict management cannot be categorized as regulated for it excludes specific injunctions to the actors and thus does not curtail very much their independent choice of policies in a given issue-area.

Regulated conflict management denotes a behavior pattern on the part of parties to a conflict which derives from the joint observance of mutually accepted norms and rules for dealing with a given category of objects of contention. For being categorized as "regulated", conflict management thus implies that the parties to the conflict forego the independent choice of certain self-help strategies. A special case of regulated conflict management is "conflict termination": the object of contention continues to exist but the parties to the conflict have agreed to abide by a joint decision about the status of the object and to suspend conflict behavior without setting a time limit. The case of Austria after the State-Treaty serves to illustrate what is meant by "conflict termination".

"International regime" represents but one form of regulated conflict management whose distinctive feature can be said to be its institutionalization. Institutionalization implies that the norms and rules of the regime have been internalized by its members, that is, that the behavior mandated by them is taken for granted by all members of the regime and that every member's behavior is based on the expectation that all others will abide by the norms and rules of the regime, too. Moreover, institutionalization also presupposes that the norms and rules have an external existence independent of the actors (for example, through tradition, enunciation in a formal text, or some other embodiment). (Cf. Kriesberg 1982:16-17, 119-120) This explication of the concept of international regime is fully consistent with the one offered by Krasner (1983) which has become the most widely accepted in the literature - pertinent criticisms by Haggard and Simmons (1987) and others notwithstanding.

Proceeding from this explication of "conflict management" our research focus becomes clear: the transformation from one mode of conflict management to another, in general, and, in particular, from unregulated to regulated conflict management, especially in its form as international regime. International regimes represent the strongest form of cooperation between independent states short of formally giving up part of their sovereignty. Their existence, in turn, is likely to facilitate and strengthen cooperative moves by the parties to a conflict because:

- (1) international regimes help stabilize mutual expectations about each other's behavior;
- (2) they tend to reduce transaction costs;
- (3) information will become available which would not have existed otherwise or only at much

higher cost⁶.

Regulated conflict management generally precludes the use or threat of force whereas unregulated conflict management is more easily susceptible to relying on these means. Thus, what we seek to account for is under what conditions regulated conflict management, and international regimes in particular, are more likely to be chosen by states party to a conflict than unregulated conflict management.

The likelihood of relying on regulated rather than unregulated conflict management can now be explored by emphasizing the relationship between the conflict to be managed and the mode of conflict management to be chosen. Authors such as Aubert and Kriesberg have suggested distinctions of various kinds of conflicts which we put together in a typology of conflicts. Based on the classification of Aubert (1963), who has shown the difference between "dissensual conflicts" and "consensual conflicts", we distinguish conflicts about values and conflicts about means and two types of conflicts of interest, one about relatively assessed goods, the other about absolutely assessed goods. Such a typology permits the analyst to formulate hypotheses about the relationships between types of conflict and modes of conflict management⁷.

So far we have stressed that, in general, international regimes, viewed as a special cooperative mode of conflict management, both represent and foster peaceful cooperation among states even while remaining in disagreement about more or less salient issues or objects of contention of various kinds. We have even suggested the need to develop a probabilistic theory about the relationship between types of conflicts and modes of conflict management. Adding to this, we may now speculate about the impact of conflict intensity, that is, of the increase or decrease of positional differences over values on the kind of conflict management: We presume that, ceteris paribus, the likelihood of regime formation is inversely related to conflict intensity whereas regime maintenance is not directly affected by the degree of conflict intensity.

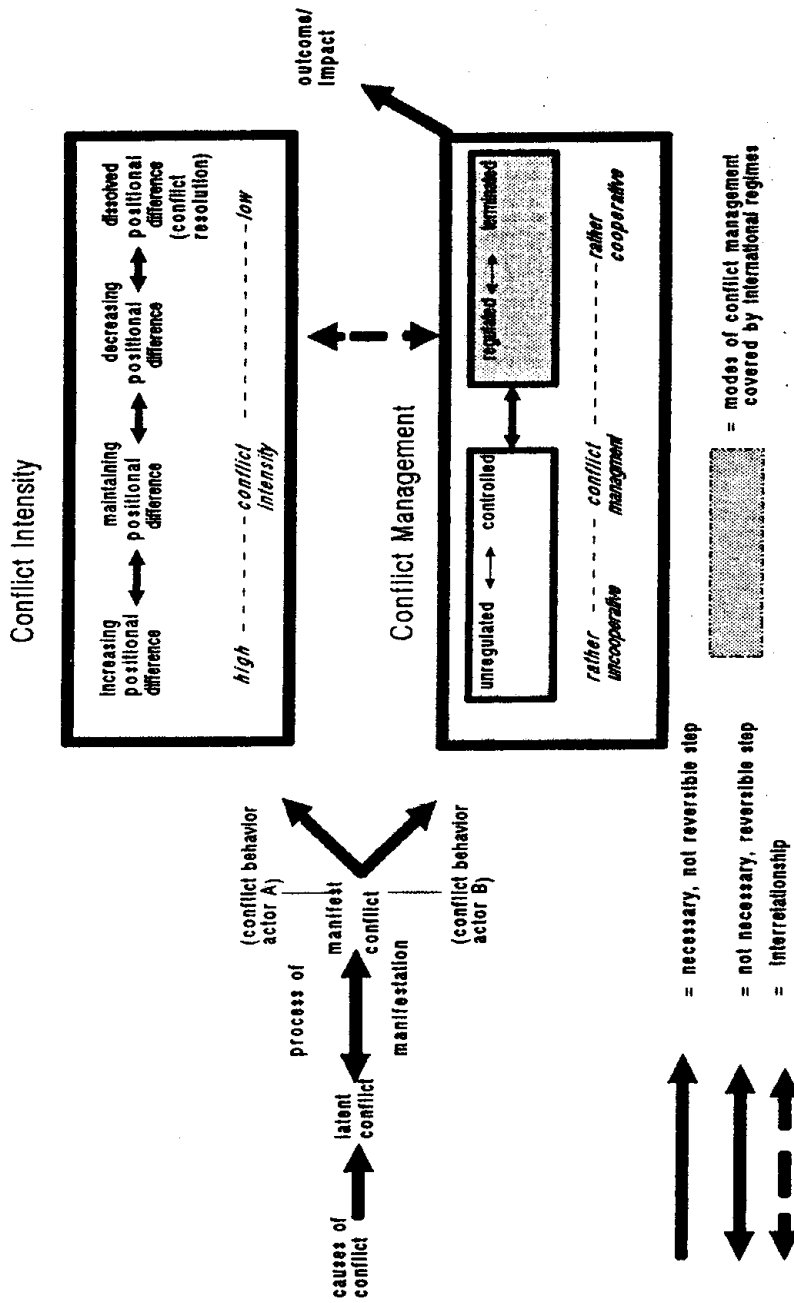
Turning the relationship around we may inquire into the consequences of various modes of conflict management, and especially of international regimes, for conflict intensity, on the one hand, and for the quality of international relations, on the other. As to the first aspect, one may confine oneself, at this point, to restating that, ceteris paribus, regime formation does not affect conflict intensity, while the long-term operation of a regime may contribute to lowering the conflict intensity. As to the second aspect, exploring this impact of international regimes might require, inter alia, a typological differentiation of international regimes, on the one hand, and of outcomes of conflict management between and among states, on the other, which take into account the distinctions between effective peace (security) and just peace and, as regards the latter, the distinction between procedural and distributive justice.

6 For a more detailed discussion of this argument cf. section 5 below.

7 For a more detailed presentation of the argument cf. section 4.1. below.

These propositions about the relationship between conflicts and regimes are summarized in Figure 1, representing a model of the conflict process.

Figure 1: A Model of the Conflict Process



3. The Empirical Domain: Case Studies of Conflicts and Regime-Formation in East-West Relations

The core of our research on conflicts and regime formation in East-West relations will consist of about twelve case studies. Our method of carrying out these case studies has been informed by what George (1979) calls "structured, focused comparison". From among the four types of comparison identified by Tilly (1984) we selected two of them as most adequate for our purposes. One type is called "universalizing comparison" which seeks to establish the same cause for identical phenomena. This application of the comparative method requires a comparison by establishing the variance in the independent variables across all cases in which regime formation has occurred. The other type (of comparison) is referred to as "individualizing comparison" which purports to account for variations in the phenomenon (mode of conflict management) to be studied across several cases of conflicts in East-West relations.

So far we have carried out five case studies following the method of universalizing comparison. We chose issue-areas representing different types of conflicts which, for theoretical reasons, we presumed to display varying degrees of regime-proneness (cf. section 4.1). Intuitively, however, we thought all to be regulated by a regime. Our expectation was subsequently confirmed by four out of five case studies but turned out to be mistaken in one case which, in conformity with our theoretical reasoning, underlines the obstacles to regime formation in East-West relations. In this section we provide a descriptive summary of the case studies with particular emphasis on the types of conflict and the modes of conflict management prevailing in the issue-areas under consideration. This should set the stage for examining the conditions under which East-West regimes emerge (section 4) and for assessing their impact on the conflict itself (conflict intensity) as well as on the quality of East-West relations in a broader sense (section 5).

(1) The issue-area "Environmental Protection of the Baltic-Sea" appeared on the East-West agenda at the end of the sixties⁸. During this time a consciousness of the ecological vulnerability of the seas, in general, and of closed seas, in particular, arose worldwide. This led to increasing efforts to regulate and decrease the disposal of hazardous pollutants in the seas. An early example was set in 1972 by the Oslo-agreement between the states bordering on the North Sea which sought to reduce dumping from ship and aircraft. The MARPOL-agreement, concluded under the auspices of the International Maritime Organization, was even more significant as an expression of this new trend in international protection of the marine environment. The first conferences of experts dealing with environmental issues of fishing and shipping in the Baltic Sea were convened in September 1969 and August 1970. The conflicts which shaped this issue-area resulted from a discrepancy between shared goals, on the one hand, and the - varied - preparedness of the littoral states to forego alternative options and commit resources to achieving

8 The following is drawn from List (1988).

the declared goals, on the other hand. Put differently, they all agreed on their desire to keep the pollution of the Baltic Sea under control, yet they differed in the extent to which measures were necessary in order to avoid lasting ecological damage. Analytically speaking, their positional differences amounted to a conflict about means.

With relative ease the littoral states were able to sign a convention in 1974 which became the contractual basis of the Baltic-Sea regime. Inspired by the United Nations Conference on the Human Environment (Stockholm 1972) the Helsinki-convention laid down a set of norms, rules and procedures around which the expectations of the participating states converged, and which can be described as an international regime. As principles of this regime we can identify the shared conviction that the pollution of the Baltic Sea needs to be brought under control and, eventually, reduced, and that any reduction must not result in a mere shifting of the pollutants to another environmental setting. The norms of this regime represent rather straightforward injunctions: i) the participating states are obligated to reduce the inflow of especially hazardous pollutants such as DDT and others; ii) it is agreed that all forms of dumping waste either from ships or from aircraft are prohibited; iii) sewage disposal into the Baltic Sea via rivers or directly is to be reduced in order to limit the overall inflow of pollutants; iv) the contracting parties commit themselves to improving their scientific cooperation in the area of protecting the marine environment of the Baltic Sea. These norms are specified through a number of rules mainly consisting of lists of the elements which are defined as hazardous, of detailed prescriptions for reducing the pollution from the land, and a concretisation of the exceptions from the dumping prohibition. Additional procedures for verifying compliance with these prescriptions and for generating new rules were established as well.

The effectiveness of the Baltic-Sea regime is not easily assessed. However, complaints about non-compliance with the rules by the participating states are rare, thus permitting the assumption that rule-compliance is at least sufficient. Nevertheless, the goals which the Baltic-Sea regime is supposed to serve have not yet been attained. The ecological condition of the Baltic Sea has been improved only to the extent that some pollutants have been brought under control; yet, the overall state of the Baltic Sea is still critical. Still, officials and experts involved in the work of the "Helsinki-Commission" hold that, without the regime, the situation would be even worse.

(2) Conflict management in the issue-area "Confidence and Security Building Measures in Europe" (CSBM) reveals some similarities to the Baltic Sea case⁹. While some suggestions were made in the fifties to reduce the danger of surprise attacks, the central conflicts became manifest only in the mid-sixties and the whole issue-area was placed on the East-West agenda only at the beginning of the seventies. While the threat of an inadvertent war with nuclear weapons had been

9 The following is drawn from Efinger (1989); cf. also Rittberger, Efinger and Mendler (1988).

perceived for a long time and prompted the build-up of an infrastructure for superpower crisis management (for instance the "Hot-Line" agreement in 1963), the conventional balance of forces in Europe, even though highly controversial between West and East, did not appear to accept the use of surveillance mechanisms for the purpose of reducing uncertainty and insecurity. After the need for C(S)BM in Europe was finally agreed upon, the conflict centered mainly on which kinds of measures would in fact be "confidence-building"; in analytical terms, the CSBM issue-area is characterized by a conflict about means. Whereas the West advocated a CSBM-concept which aimed at promoting measures which would increase, above all, the transparency of military activities, the East stressed the necessity of reducing nuclear weapons as a way of building up "trust" quasi-automatically. Despite these and other differences, the Helsinki Accord of 1975 enunciated a few norms and even rules which, if strictly observed, would enhance the transparency of military activities in both East and West. Moreover, it was agreed to keep this issue under review during the CSCE follow-up process. However, the CBM of the Helsinki Final Act and their subsequent implementation did not constitute a regime. The Helsinki Accord provided for only a few clear injunctions, and even these were more often disregarded than complied with. However, after the Soviet Union had compromised her previous stance and opened herself up to the notion of confidence-building through enhancing transparency and after the Western side had made mostly symbolic concessions, the agreement reached at the Stockholm conference in 1986 laid the basis for establishing a CSBM-regime.

The principles of this security regime can be described as the two pillars of confirming the general use-of-force prohibition and of enjoining states to exercise their right of self-defense in accordance with the necessity of avoiding (inadvertent) war. As in the case of the Baltic Sea regime the norms contain specific injunctions: i) participating states undertake to announce certain military exercises in advance, ii) to invite observers from other countries to watch these activities, and iii) to permit on-site verification in the form of inspections. The rules of this regime are sufficiently detailed to permit rather unambiguous assessments of whether the regime norms are complied with or not. The CSCE-process as a whole and the pertinent revision and review conferences, in particular, serve as procedures of the regime. The effectiveness of the regime is still too early to assess in a conclusive manner since it has been in existence for only two years. However, according to all available sources of information, the degree of norm- and rule-compliance seems to be quite high. Keeping the brief existence of the regime in mind, it would be somewhat premature, too, to come up with a definitive evaluation of the regime's contribution to actual confidence-building between East and West even though all indications point toward positive results so far.

(3) The "Access to and Status of Berlin" represents an issue-area characterized by a most dramatic conflict-management.¹⁰ The relevant conflicts became manifest with the Berlin blockade in 1948.

10 The following is drawn from Schwarzer (1989).

After the Khrushchev ultimatum in 1958, Berlin again became a major focus in world politics. The conflict intensity increased even more when the GDR recognized the economic costs caused by the exodus to West Germany using the open border in West Berlin. The crisis culminated in the building of the Berlin Wall in 1961 but quietly subsided once it became clear that the Western Powers would resign themselves to the new status quo. Still, the conflicts arising from the access to and status of Berlin were neither regulated, nor were there any institutional mechanisms through which the parties concerned would be able to control their respective conflict behavior. Two major conflicts continued to dominate the issue-area. One was about the right of access to West-Berlin enjoyed by civilian personnel from West Germany and other Western countries, the other about the extent of official West German links with, and presence in, West Berlin, that is, about the strength of constitutional ties between West Germany and West Berlin.

These conflicts of interest can be categorized as conflicts about relatively assessed goods. A change in the mode of conflict management became conceivable only after détente took hold in Europe, and the West German policy towards Eastern Europe changed profoundly. In 1972, the four wartime Allies signed the Quadripartite-Agreement over Berlin which, after some disputes about its interpretation, became the contractual basis of the Berlin regime. This regime is founded on a status-quo principle expressing the obligation of either side not to attempt to change the existing state in Berlin without the other side consenting. The norms of the regimes direct the Four Powers, especially the Soviet Union, to guarantee free access to West Berlin, and they oblige the Western side not to augment the official West German presence in West-Berlin. The Quadripartite-Agreement furthermore contains a large number of specific rules for dealing with the various issues which together make up the Berlin problematique. The way in which conflicts and conflict management evolved in the Berlin issue-area during the following years brought about an acceptable consensus about the range of permissible behavior. As a result, we can speak of a Berlin regime from about the mid-seventies onward. From then on, rule-compliance seems to be rather high. Being a status-quo regime there is no need for procedures concerning revisions and for regime evolution. Thus, the procedural element of this regime is negligible consisting mainly of consultations among the Four Powers as well as between the three Western Powers and West Germany, and some intra-German channels of information exchange.

(4) As in the case of the access to and the status of Berlin, the conflicts in the issue-area "intra-German-trade" came into the open during the Berlin-Blockade.¹¹ Whereas the guaranteed flow of goods to West-Berlin was essential to West Germany but not provided for by the Eastern side, the GDR needed urgently reliable deliveries of raw materials in large quantities from West Germany which, in turn, she refused in order to weaken the communist regime in East Germany. Subsequently, the FRG responded to the Berlin Blockade by suspending intra-German-trade. In the following years the West German position was to guarantee this trade only in exchange for

11 For the following we rely on Zürn (1989a).

guaranteed access to West Berlin. In this context, an agreement was reached in 1951 in which the status of intra-German-trade and a series of sensitive questions concerning the procedures for managing this trade relationship were settled. However, this agreement, at least in the manner it was implemented, did not guarantee an undisturbed flow of goods, services and persons between West Berlin and the FRG, nor did the FRG assume the obligation of maintaining or even raising the level of delivering raw materials to the GDR. Hence, the management of these positional differences, representing a combination of both kinds of conflict of interest, cannot be said to have been unregulated, since there existed already some norms and rules as well as procedural routines. However, in spite of that, the management of intra-German-trade did not yet qualify as a regime. While the GDR continued to interfere with trade and transport from and to West Berlin to sanction West German behavior, the FRG manipulated deliveries of goods to the GDR to put pressure on the East German government. This became especially obvious in 1960 when the FRG temporarily suspended trade with the GDR and withdrew from the interim agreement of 1951 after the GDR had refused to accept West German passports for Westberliners any more. From the mid-sixties onward, the mode of managing intra-German-trade changed again leading to established practices which qualify as a regime. Underlying this change a tacit agreement had emerged involving a West German guarantee for the uninterrupted maintenance of intra-German-trade as well as East German acceptance of undisturbed deliveries of goods from West Germany to West Berlin and vice versa.

The major principles of the intra-German-trade regime are, first, the preferential treatment of intra-German-trade by giving it the status of domestic trade, and secondly, strict state control over this trade relationship by both sides implying the primacy of (East-West) politics over economics. The norms provide for i) an expansion of the trade volume, ii) a specific role of West Berlin within intra-German-trade, and iii) a policy of safeguarding intra-German-trade by both sides within their own respective alliances or economic communities. These norms are accompanied by a variety of specific rules concerning duty-free deliveries, accounting and balancing methods etc. The procedural component of the regime consists of regular meetings (every two weeks) between officials of the "Treuhandstelle" (representing West Germany) and the GDR ministry of foreign trade. After 1966, few cases of noncompliance with the rules were recorded, and a sharp increase of intra-German-trade could be observed as well as an expansion, and stabilization at a high level, of the volume of goods delivered from West Germany to West Berlin, and vice versa.

(5) The "Working Conditions of Foreign Journalists" represent an issue-area pointing explicitly to the ideological differences between the social and political systems in East and West¹². In other words, this issue-area is mainly shaped by a conflict about values. The major conflicts in this issue-area can be traced back to different systemic notions about the domestic and international

12 For the following cf. Mendler (1989).

flow of information. Whereas the Socialist countries subscribe to an approach which can be labeled "managed flow of information", the free-flow principle, that is, the principle of freedom of opinion and of information, constitutes a fundamental constitutional element of liberal democracies. Despite the longstanding positional differences between East and West with respect to the working conditions of journalists, this conflict became manifest only at the end of the sixties. With the approaching of the CSCE, this topic appeared on the agenda of East-West politics as part of Basket Three. Compared with the often woolly formulations in Basket Three of the Helsinki Final Act, the provisions about working conditions of journalists seemed to contain a weak principle and a few norms: The only principle on which all parties appear to have agreed is the "expansion of the flow of mutual information" accompanied by formulations of desirable standards of behavior such as i) the obligation to examine all applications for visas by journalists in a fair and quick manner, ii) the obligation to improve the opportunities for foreign journalists to travel within the country, and iii) the obligation to improve the access to informational sources for foreign journalists. However, these norms were not specified by more detailed rules after Helsinki and the norm-compliance especially by some Eastern states remained at a very low level. This lack of implementation notwithstanding, there are devices for supervising and amending the previously reached agreements as part of the CSCE process, which provide for an ongoing exchange about the contested issues. Altogether, the mode of conflict management that emerged after Helsinki does not meet the criteria of being regulated. While the Vienna Accord of 1988 brought about some further strengthening and elaboration of the norms concerning working conditions of journalists, and even more detailed specifications at the level of rules, the mode of conflict management in this issue-area did not yet change very much and, therefore, still does not qualify as an East-West regime.

This brief overview of the case studies carried out so far as part of the project on East-West regimes is summarized in Figure 2. In addition, we shall take into consideration two analyses of East-West cooperation within issue-areas compatible with our approach, such as the work of Lynn-Jones (1988) on the "Incidents-at-Sea-Agreement" and of H. Müller (1988a, 1988b) on the "Nonproliferation-Regime" and other East-West security regimes.

Figure 2: Five Issue-Areas in East-West-Relations

Issue-Area	Environmental Protection of the Baltic Sea	Confidence and Security Building Measures in Europe
Emergence on the East-West Agenda/ Manifestation of the Conflicts	Beginning of the 70s	End of the 60s
Dominant Conflict in the Issue-Area	Conflict about means	Conflict about means
Modes of Conflict Management	Until 1974: controlled From 1974 on: regulated by an international regime	Until 1975: unregulated Until 1986: controlled From 1986 on: regulated by an international regime
Actual Guidelines for Conflict Management - Principles	-reduction of the pollution of the Baltic Sea -no displacement of the pollution	-avoidance of (inadvertent) conventional war -general use-of-force prohibition
-Norms	-reduce the input of hazardous elements -stop dumping -control the overall inflow of pollutants into the Baltic Sea -cooperate in scientific research	-announce maneuvers -invite observers for maneuvers -allow for verification
-Rules	-specification of the obligations derived from the norms found in the appendix to the agreement	-specification of the obligations derived from the norms
- Procedures	-Helsinki-Commission and subcommissions	-procedures for the exchange of information about the movement of ground forces -CSCE revision procedures
-Rule-Effectiveness	-difficult to assess; no mutual complaints	-high

Access to and Status of Berlin	Inner-German Trade (IGT)	Working Conditions for Foreign Journalists
1948	1948	End of the 60s
Conflict of interest about relatively assessed goods	Conflict of interest about absolutely assessed goods accompanied by one about relatively assessed goods	Conflict about values
Until 1972: unregulated	Until 1951: unregulated	Until 1975: unregulated
From 1972 on: regulated by an international regime	Until 1966: controlled From 1966 on: regulated by an international regime	From 1975 on: controlled
-acceptance of the status quo -renunciation of unilateral attempts to change the status of Berlin	-preferential treatment of IGT -primacy of politics	-expansion of the mutual information flow
-allow sufficient access to West-Berlin by practical improvements -do not extend the West German presence in West Berlin	-ensure the status of IGT within the political alliance -expand trade as far as possible -give Berlin a special role in the IGT -accept strict state control of trade	-check all visa applications by journalists in a fair and quick manner -improve the possibilities for foreign journalists to travel within the host country -improve the access of foreign journalists to information
-high number of specifications of the obligations derived from the norms	-no tariffs (duty-free trade) -bilateral accounting -certain share of IGT for Berlin -"Swing"	-little specification of the norms through rules
-consultation mechanism of the four powers	-regular meetings of the "Treuhandstelle" and the Ministry for Foreign Trade	-CSCE control procedures
-high	-high	-few rules which can be implemented; weak norm-compliance

4. Explaining the Formation of East-West Regimes

In their state-of-the-art article about "Theories of International Regimes" Haggard and Simmons (1987:498 ff.) identify four "families" of theories trying to explain regime formation and change. They distinguish between (1) a structural approach, that is, different versions of the theory of hegemonic stability, (2) a game-theoretic approach, (3) functional theories, and (4) cognitive explanations. In addition, they stress the importance of subsystemic approaches toward analyzing the formation and change of international regimes. Taking this review of the state of the art as our starting point, we first want to modify this taxonomy to some extent and then examine the explanatory power of various approaches by confronting them with the evidence from our case studies of East-West conflicts.

To begin with, we agree fully with the statement that "these categories are not mutually exclusive, and (that) the most persuasive interpretations are likely to draw from more than one theoretical tradition" (p. 498). However, we consider the structural and the game-theoretic approaches as being, at least in part, in competition with one another, whereas subsystemic and cognitive approaches should be taken as supplementary to both of them. Finally, the functional theory of international regimes put forward by Keohane (1984:80 ff.) tells us something about the effects of **existing** international regimes but not about their **formation**. Therefore, this theory may explain why regimes continue to exist when the conditions underlying their coming into existence have changed; more importantly, though, functional theorizing can serve as a point of departure for assessing the impact of international regimes. In any case, the functional theory of international regimes does not contribute to explaining regime formation. In what follows, we shall attempt to examine the validity of several theoretical approaches mentioned above by confronting them with the empirical evidence from our case studies. However, we begin our analysis by looking at a set of hypotheses which have not yet attracted much attention in the literature on international regimes. Recalling our introductory remarks, we refer to them as "issue-area specific hypotheses" representing the "problem-structural approach" to the analysis of international regimes.

4.1. **Issue-Area Specific Hypotheses About East-West Cooperation and Regimes**

Analyses of East-West relations based on notions of a conflict totality variously defined as a struggle for world power or hegemony or as a comprehensive systemic antagonism have difficulties explaining why issues in various areas of East-West relations, including highly sensitive ones of security, have not exclusively been dealt with by unilateral self-help strategies but also through cooperative arrangements including international regimes. Even if students of the "East-West conflict" attribute a more benign basic structure to it, they are still challenged by the fact that the states party to this "Great Contest", at the same time and under similar circumstances, cooperate in some issue-areas and pursue competitive strategies in others. Keohane/Nye

(1977) try to solve this puzzle by introducing an "issue-structural" approach according to which the distribution of power within an issue-area may account for the policy outcomes in this issue-area. Relying on the analytical distinction between conflict and conflict management, we wish to move the "issue-structural" approach one step further by introducing a "problem-structural" approach which contends that the properties of issues (conflicts) predetermine the way they are dealt with. Put differently, instead of conceiving of the "East-West conflict" as a totality, the analysis proceeds by identifying salient issues or objects of contention between East and West and by constructing theoretically meaningful typologies, or classifications, of issue areas and conflicts. Individual cases of East-West issue-areas or conflicts can then be used to generate or to test hypotheses about East-West cooperation and regimes using types of issue areas or conflicts as their independent variables.

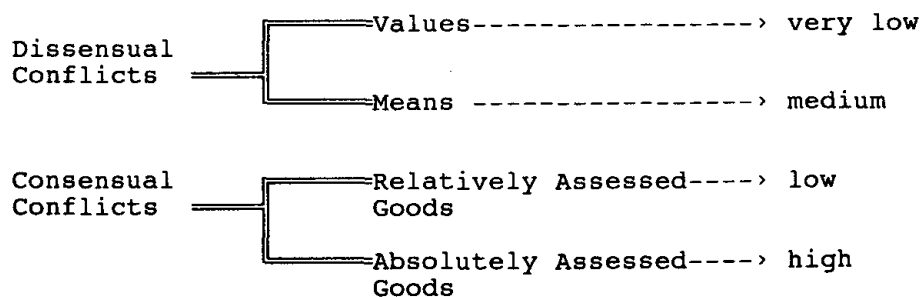
There is nothing novel to such an approach. Functionalists distinguish between "high politics" and "low politics" in order to state the expectation that international integration is likely to begin in "technical" issue-areas. Economists, too, have made use of issue-specific hypotheses for a long time. Since they usually treat actors (more precisely: actor characteristics) as a constant, they often have looked for varieties in the traded or produced goods to account for behavioral variation. There are, for instance, goods with an elastic and others with an inelastic demand curve, or there is Olsons' (1965) classical study about interest groups which is based on the distinction between "collective goods" and "private goods". These and similar classifications are used to derive hypotheses about behavioral propensities caused by different properties of the objects of contention or goods involved. We do not argue that political science should neglect the actor dimension in order to explain behavioral variation as economists do, but we do think that an incorporation of this approach might increase the explanatory power of theories in political science. In line with our emphasis on the "microscopic" conflict analysis of East-West relations, the task of explaining East-West regimes will be facilitated by turning first to hypotheses which state that certain qualities of an issue, or objects of contention, induce the actors involved to select one mode of conflict management rather than another.

The project on East-West regimes has relied, by and large, on two kinds of problem-structural typologies. In the first instance, broad categories are used for designating issue areas such as put forward by Czempiel (1981) who distinguishes three types of issue-areas. One encompasses all issues fitting under the label "authority" or "system of rule", another one all issues concerning "security" and a third those issues which are related to the "welfare" of nations¹³.

13 These typologies are comparable, to some extent, to the attempts of Rosenau and his colleagues in comparative foreign policy research. They work also with so called issue-area-typologies based on the values involved in an issue-area, but have a quite different conceptualization of the variables in the model. For an overview cf. Rosenau (1967), Hermann and Coate (1982) and Vasquez and Mansbach (1984).

The other problem-structural typology goes even further in its disaggregation¹⁴, arguing that actually not issue-areas but issues, or according to our model of the conflict process: **objects of contention**, have certain characteristics in common which determine the mode of conflict management. This typology is based on the already mentioned distinction between "consensual" and "dissensual" conflicts (Aubert 1963). In dissensual conflicts the actors disagree about what is desirable, not just for each of them individually but for all of them collectively. In consensual conflicts the actors are confronted with a situation of scarcity in which every actor desires the same valued object but cannot fully be satisfied because there is not enough for everybody. A further refinement of this distinction is achieved by subdividing dissensual conflicts into dissensus about values and dissensus about means (Kriesberg 1982). It is hypothesized that dissensual conflicts about values are extremely difficult to regulate while dissensual conflicts about means are believed to be more easily dealt with in a cooperative way. Turning to consensual conflicts we distinguish further between conflicts of interest about relatively assessed objects and conflicts of interest about absolutely assessed objects. Whereas, for example, weapons are usually assessed relatively since they obtain their value only if one side has more of them than the other, food, for instance, is usually an absolutely assessed good. Here, the hypothesis suggests that conflicts of interest about absolutely assessed goods are most conducive to regulated conflict management whereas conflicts of interest about relatively assessed goods are much more difficult to manage in a cooperative way. The following diagram summarizes the relationships just indicated.

Figure 3: Types of Conflict and Regime-Conduciveness



Source: Efinger, Rittberger and Zürn (1988:171)

The explanatory power of these issue-area and conflict typologies as regards the probability of East-West cooperation including international regimes can be, and has been, examined in various ways. In the project on East-West regimes we built up a data bank assembling, for six one-year periods distributed across the whole post-war era (1946-1985), the objects of contention in East-West relations from different sources and coding them for different issue-area and conflict

14 Cf. for the following Efinger, Rittberger and Zürn (1988:92 ff.)

typologies as well as for different modes of conflict management. In a preliminary quantitative test involving, in particular, the conflict typology presented above, the results were highly supportive of our hypotheses: The contingency coefficient which was used to examine the correlation between the conflict typology and the mode of conflict management reached values of over 0.5.¹⁵ The theoretical validity of these issue-area specific hypotheses need further examination by extending the scope of empirical research into the realm of West-West and West-/North-South relations. However, for the domain of East-West relations we accepted, at least provisionally, the theoretical validity of the conflict typology and looked for existing East-West regimes which dealt with at least one of the four types of conflict. Accordingly, a rigorous test of these hypotheses by our qualitative procedure, that is, comparative case studies, is not feasible since, at this stage of our research, we consciously selected cases displaying high variance on the side of the independent variable and no or low variance in the dependent variable. We chose this procedure for our quantitative tests which indicated the empirical validity of the conflict typology, whereas we tried to control for this variable in our structured, focused comparison. In other words, after the cooperation- or even regime-proneness of various types of conflicts has been determined in a systematic manner, the analysis has to turn to an explanation of why international regimes have been - or have not been - established in issue areas with different levels of regime-proneness.

The case-studies came up with some preliminary findings about the way in which the type of conflict shapes the mode of conflict management:

(1) Two case studies focused on an issue-area dominated by conflicts about means: the one on the Baltic-Sea regime and the other on Confidence and Security Building Measures in Europe. Both cases were characterized by a conflict process in which, after the conflict had become manifest, conflict management by international regime was achieved easily and quickly. Both issue-areas were placed on the agenda of East-West politics at the end of the sixties and at the beginning of the seventies, respectively, and both of them left the stage of unregulated conflict management as early as the mid-seventies. While the Baltic-Sea regime came into existence in 1975, it took more than a decade after the Helsinki Final Act for a CSBM regime to begin to take shape. This process of regime formation differs from the Berlin case which consists mainly of conflicts about relatively assessed goods. Here the conflict had already become manifest around 1948 and it took 25 years of occasionally dramatic unregulated conflict management until it would be replaced by a regime.¹⁶

The relative ease with which a regime in the case of CSBM, was established allows us to infer

15 For a more detailed description of the data bank, the operationalization procedures and a preliminary interpretation cf. Efinger, Rittberger and Zürn (1988:98 ff. and 168 ff.).

16 The case of intra-German-trade was thought to be an issue-area consisting of conflicts about absolutely assessed goods. However, an in-depth study showed a merging of conflicts about absolutely assessed goods with conflicts about relatively assessed goods.

that our conflict typology possesses a higher explanatory and predictive potential than other, cruder typologies. In the functionalist distinction between "low politics" and "high politics" as well as in substantive issue-area typologies CSBMs are usually attributed to the broad category of "security" or to the field of "high politics", respectively, both of which are expected not to be overly conducive to cooperation. These classifications fail to take into account that security conflicts do not necessarily present a conflict about relatively assessed goods (as is usually the case in arms races); instead, conflicts in the field of security may also qualify as a conflict about means for preventing surprise attacks, unintended war etc. (cf. also Rittberger, Efinger and Mendler 1988).

The Baltic-Sea case highlights another important point. Comparing the issue-area "environmental protection of the Baltic Sea" to "environmental protection of the North Sea", substantial similarities with respect to problem-structural properties and to the mode of conflict management show up despite an important contextual variation; that is, one issue belongs to the context of East-West relations whereas the other does not. Even the relative amount of pollution allowed by the regulatory mechanisms seems comparable in both cases (cf. Efinger and Zürn 1989). At least in this instance, the problem-structural analysis seems to predict the outcomes much better than actor-oriented or systemic approaches.

(2) When we selected the case-studies, we expected the "Working Conditions for Foreign Journalists" to be one of the rare deviant cases, in which a conflict about values is managed by an East-West regime. The in-depth study uncovered, however, that, in spite of attempts to regulate this issue-area in the context of the CSCE process, the institutionalization of regulated conflict management has not succeed - at least not thus far. While there are some norms and even rules circumscribing the range of permissible action on the part of both public authorities and foreign journalists, the norm-observance and rule-compliance vary greatly over time and across countries; thus, to call these weak regulatory efforts a regime would be clearly premature. Therefore, it seems safe to conclude that conflicts about values display properties which pose an almost sufficient obstacle to regime formation in a highly value-laden issue area. One of those properties is that conflicts about values do not allow for reciprocal sanctions in the case of defection or non-cooperation by one actor. If the Soviet Union, for instance, restricts the freedom of opinion, the U.S. cannot reciprocate in the same manner because it is a question of values; and even if the U.S. did reciprocate in this way, the Soviet Union would not be influenced to reconsider its action. This permits us to predict tentatively that if an East-West regime in the issue-area of "Working Conditions for Foreign Journalists" should emerge at long last, it will be above all a regime of non-discrimination; that is, both sides commit themselves not to treat foreign journalists in a way different from the way they treat their own. At the same time, such a regime is unlikely to provide greater freedom to, or to establish greater public control over, journalists in general.

Our research on East-West regimes showed another issue-typology to be of considerable usefulness. George (1988a) suggests a typology of security issues built upon the two dimensions of "tightness" versus "looseness" of mutual dependency/vulnerability with respect to a given issue; and of the "central" versus "peripheral" nature of the issue's importance to the country's overall security concerns. He hypothesizes that security issues reflecting tightness of mutual dependence and of central importance to a country's overall security concerns show the greatest potential for being managed collectively by cooperative arrangement, whereas the least amount of cooperation should be expected when states cope with issues where mutual dependence is loose and the importance to a country's overall security concerns is peripheral. The interrelations posited by George's theoretical analysis can be represented graphically in Figure 4.

Figure 4: Issue-Typology by George

		Importance of Issue to Country's Overall Security Concerns	
		Central	Peripheral
Mutual Dependence/ Vulnerability with Respect to Issue	tight	1 high potential for cooperative arrangements	2 intermediate
	loose	3 intermediate	4 low potential for cooperative arrangements

Source: Rittberger, Efinger and Mendler (1988:12)

Even though the hypotheses put forward by George do not hold up against the evidence from our case studies, another finding was discovered using this typology in a somewhat more complex way. Reflecting the special interest of a large number of European countries in decreasing tensions between East and West, or keeping them at a low level, specific East-West regimes, either alone or together with others, may serve as "ice-breakers" moving overall relations between East and West toward a more friendly, less hostile "climate". Interestingly enough, two East-West regimes, to which such an "ice-breaking" function can be attributed - intra-German-trade and CSBM, deal with issues which, from a European perspective, would fall into cell 1 and, from a superpower perspective, into cell 4 of George's typology. Two conclusions are offered: First, a more discriminating use of George's typology, that is, differentiating between superpowers and

(European) allies, may enhance its analytical potential. Secondly, an issue structure perceived by allies to fall into cell 1 may well prompt them to work toward setting up modes of conflict management which will help improve a sour state of overall relations between the two super-powers.

4.2. Other Approaches toward Explaining the Formation of East-West Regimes

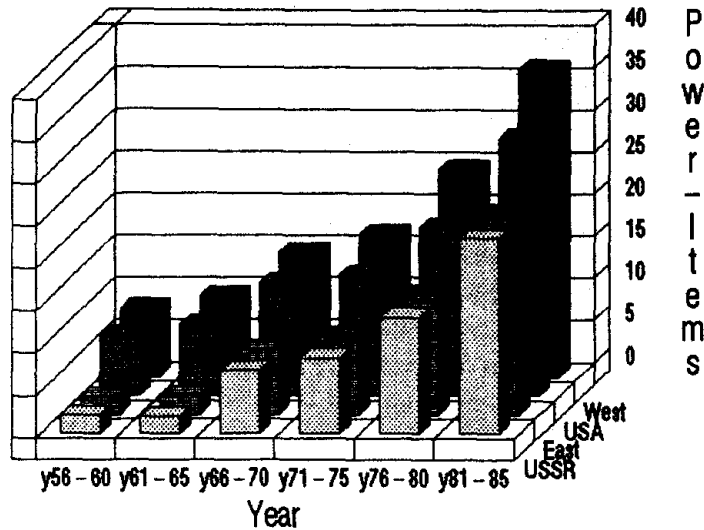
In the preceding section we discussed and, to some extent, substantiated the analytical usefulness of problem-structural hypotheses about the formation of international regimes. Here, we take up the aforementioned major theoretical currents in regime analysis and examine their contribution toward explaining East-West regimes.

4.2.1 Structural-systemic analyses of international relations proceed from a consideration of the constellation of actors or units and the distribution of power (control over resources) among them. The most prominent case of structural-systemic theorizing about international regimes is represented by the **theory of hegemonic stability**. This theory predicts the formation of regimes on the condition that a hegemonic state exists which outdistances all other states as regards the overall power distribution or, alternatively, which dominates in the issue area under consideration, that is, enjoys a clearly superior control over resources relevant to this issue area. Some intriguing critiques of this theory have been put forward¹⁷. One of them claims that assessing the power distribution is a highly arbitrary enterprise. This objection notwithstanding, in the project on East-West regimes we measured the overall power distribution with the help of a simple power index¹⁸ in order to arrive at a comparable assessment across all cases which we have studied. (cf. figure 5).

17 Cf. among others Russett (1985); for an overview of these critiques see Haggard and Simmons (1987:500).

18 In this combined power index the gross national product is multiplied by the number of men under arms. The resulting number is again multiplied by the constant 0.1 if a state does not have nuclear weapons at its disposal; by the constant 0.5 if the state has nuclear weapons but no second strike capability; and by the constant 1.0 if a state has both nuclear weapons and a second strike capability at its disposal.

Figure 5: Overall-Power-Structure in the East-West Relations



With respect to East-West regimes the theory of hegemonic stability does not hold up. This is true for the issue-structural theory of hegemonic stability as well as for the overall power-structure version. First of all, it is not possible to identify one hegemon in East-West relations. This is quite obviously the case as regards the overall power distribution and this finding also applies to most, if not all issue-areas in East-West relations. Secondly, the majority of the East-West regimes which in fact exist were established at a time when the U.S. (a superpower "second to none") began its relative decline in terms of overall power. Thirdly, the U.S. was neither capable of inducing the other superpower to join it in establishing "liberal" East-West regimes nor ever strong enough to impose such regimes.

Even though the theory of hegemonic stability does not seem to apply to the East-West segment of international relations, this does not necessarily invalidate the structural-systemic analysis of East-West cooperation and regimes altogether provided appropriate assessments of overall power structure and of issue area structure can be achieved. Yet, findings from the structural-systemic analysis of East-West cooperation and regimes are sparse and their theoretical interpretation far from conclusive. The most that can be stated drawing on our case studies is that the likelihood of regime formation in East-West relations seems to be correlated with a decreasing gap in the overall power distribution between West and East (cf. also Frei and Ruloff 1988:9-10). But it would seem rather bold to attribute any causal connection to this correlation. Such a connection can hardly be proven in the case of the Baltic-Sea regime nor for the intra-German-trade regime. However, there might be a causal connection between a decreasing power gap and the formation of security regimes in the cases of Berlin and CSBM. This observation can be restated as the proposition that the formation of East-West security regimes is more likely to occur the more

balanced the power ratio between East and West becomes, that is, when the power gap decreases. Support for this proposition can be derived from our case studies on Berlin and CSBM which show that regimes were established when the military power distribution relevant to the issue area had become more even.

4.2.2 Situation-structural or game-theoretic approaches to the analysis of international regimes have generated several interesting findings¹⁹. Yet, a uniform application of game theory to the study of human cooperation is still lacking. Some studies used mathematical or experimental designs to assess the role of certain factors such as iteration or communication in human cooperation. Axelrod's (1984) "shadow of the future" is one outstanding example. Others, for instance Oye (1987), tried to model real conflict situations in international politics with game-theoretic pay-off structures. This approach assumes that given pay-off-structures can predict the outcome of the conflict situation. While our research follows the example set by Oye to some extent, our use of game-theoretical analysis differs from his in several respects:

(1) As opposed to the World Politics study our dependent variable is not cooperation in general but a special case of regulated conflict management, that is, international regimes. Essentially, we argue that achieving the Pareto-optimal outcome in a conflict situation with a non-Pareto-optimal natural outcome requires, and is identical with, the formation of a regime. Hence, regimes are not to be treated as an independent variable fostering and stabilizing cooperation as in the World Politics study.

(2) We do not think, as Oye seems to hold, that "stag-hunt", "prisoners' dilemma" and "chicken" are the only relevant pay-off matrices for regime analysis. Rather, coordination-games or even games resembling "Deadlock" are also of some relevance for regime analysis.

(3) We take seriously the assertion put forward by Snidal (1987) who argues that a game-theoretic approach aiming at theory-building needs to establish the preferences of the actors independently of how they actually behave in a conflict. That is, we begin by modelling the relevant situation based on the available information about actors' interests and try to avoid the fallacy of ex-post modelling by referring to the known outcome of the interaction.

Since the major task is to model the specific conflict situation, and since our analysis is built upon this modelled situation the approach presented here is called a **situation-structural** approach.

The "structure of the situation" has to be determined by the analyst by providing answers to three questions:

19 See, above all, the volume edited by Oye (1987).

- Who are the most important actors in the issue-area?
- Which behavioral options did these actors perceive for themselves?
- Which outcomes from among a larger set do the actors prefer?²⁰

The situation-structural hypotheses which we seek to test in our research on East-West regimes can be stated as follows (cf. Zürn 1989b:28 f.):

a) International regimes come into existence in "problematic social situations"²¹ in which the application of a maximin-strategy by both players allows for a Pareto-suboptimal outcome. It is only in such a situation that actors perceive a demand for regimes.

b) The existence of a problematic social situation is a necessary but not a sufficient condition for regime formation. We can further distinguish three types of problematic social situations with varying degrees of regime-conduciveness:

- If the structure of the situation corresponds to a **coordination-game** such as "leader", "battle of sexes", or "assurance", the formation of a regime can be expected within a relatively short period of time after the issue has come into the open. Put differently, this structure of the situation has the logical status of a sufficient condition. Coordination-games are thus defined as situations in which the application of a maximin-strategy **might** lead to a suboptimal collective outcome in a one-shot game. However, once the Pareto-optimal outcome is reached, this outcome constitutes a "Nash-equilibrium", that is, no player can defect from this outcome without directly hurting him-/herself.
- If the structure of the situation corresponds to a **dilemma-game** such as the "prisoners' dilemma", the formation of a regime can only be expected on the condition that other exogenous factors exert a favorable influence. A dilemma-structure is conducive to regime formation but it is not a sufficient condition. In dilemma-situations regimes are most often established only after a lengthy process of interaction characterized by tit-for-tat strategies on both sides. Dilemma-games are thus defined as situations in which the use of a maximin-strategy by both actors does not lead to a Pareto-optimal outcome in a one-shot game. Even after the Pareto-optimum has been reached, at least one actor still has an incentive to defect from this outcome. Because of this inherent instability of a Pareto-optimal outcome in dilemma-type games, regime formation presupposes additional favorable conditions.
- If the structure of the situation corresponds to what we call **Rambo-game**, regime formation is next to impossible. In these situations, one actor reaches his/her optimum by refusing to cooperate while the collective outcome **might** be suboptimal. In Rambo-situations, the dis-

20 Not surprisingly, the assessment of the preference orderings proved to be the most difficult task in spite of the in-depth character of all studies. Hence, a methodology for assessing the preference orderings is most needed for further applications of game-theory in history and political science.

21 The term is coined by Raub and Voss (1986).

advantaged actor usually tries to change the structure of the situation most often by linking it to another issue.

In general, the five case studies lend support to these hypotheses. In the issue-area "Environmental Protection of the Baltic-Sea", the structure of the situation seems to come close to a coordination game. We have already argued that this case of an East-West regime was characterized by a relatively short and easy formative period. In the three other cases, in which regimes were identified, various kinds of situations of the dilemma-type prevailed. In all of these cases, the formation of a regime was a more or less troublesome process requiring much more time than in the case of the Baltic-Sea regime. In all three cases, it was only after an improvement in the "climate" of the overall-relationship between East and West had taken place that the regime could be established. Furthermore, in the issue-areas "Status of and Access to Berlin" as well as "intra-German-trade" serious crises even occurred as part of the conflict management before a regime emerged. In the issue-area "Working Conditions for Foreign Journalists", finally, the Eastern states are clearly in a Rambo position. If they are not prepared to improve the working conditions for Western journalists, the West does not have any means available, within the issue-area, for getting them to change their behavior.

A close consideration of the cases of the access to and the status of Berlin as well as of the intra-German-trade shows furthermore that the process of regime formation did not begin until situations of the dilemma type had developed. In both cases, two reverse rambo-situations existed which can be clearly separated. While West Germany, with the support of the Western allies, could determine the extent of official West German presence in (West-)Berlin without being dependent on Soviet or East German decisions, the Eastern side alone could determine the degree of access for civilians from West Germany to West Berlin and vice versa. In the case of intra-German-trade the situation was similar: on the one hand, the Eastern side could influence the flow of goods and services between West Germany and West Berlin by more or less rigid custom controls and other restrictive practices²². On the other hand, West Germany, as opposed to East Germany, was not economically dependent on intra-German-trade at all, which put it in a Rambo position as far as the volume and the stability of this trade are concerned.

Thus, one may conclude that actors in international politics seem to link issues in which the opponent occupies a Rambo position with issues in which they themselves have a unilateral advantage in determining the outcome of an interaction in order to create dilemma-situations. This statement, though, does not imply that every attempted linkage of two Rambo-situations will lead to a more regime-conducive dilemma-situation. A linkage between two reverse Rambo-

22 It should be added at this point that a full-scale blockade of West Berlin was not an available option to the Eastern side since the Soviets learned in 1948/49 that this type of sanction would not work.

situations resembles an exchange of two goods. This works only if there is a zone of agreement²³. As George Homans has put it:

"The open secret of human exchange is to give the other person behavior (on your part) that is more valuable to him or her than it is costly to you and get behavior in turn that is more valuable to you than it is costly to the other." (quoted according to George 1988b:702)

Summing up we found that a linkage of two Rambo-situations is generally rather conducive to cooperation and even regime-building since it **might** create a zone of agreement, while it does **not endanger** any existing zone of agreement. This distinguishes the linkage of two Rambo-situations from the linkage of two dilemma-situations because the latter may, in fact, destroy an existing zone of agreement²⁴. Furthermore, it can be stated that the linkage between a dilemma-situation and a Rambo-situation hampers the emergence of regimes since an already regime-conducive situation is transformed without creating a new one. This inference is supported by the experience gained from East-West relations during the seventies when the U.S. engaged in futile attempts to link Soviet human rights behavior (most often Rambo situations in favor of the Soviet Union) with arms-control issues (most often dilemma-situations). Accordingly, Skinner (1987), in his article about linkage in U.S.-Soviet security relations, concludes that arms control has invariably been a "bad lever".

4.2.3. It has already been argued that situations of the dilemma-type are regime-conducive provided this situation intersects with exogenous factors facilitating the formation of international regimes. One such set of factors are the properties of issue-areas and objects of contention discussed at some length above. Furthermore, it has been mentioned, too, that an improvement of the "climate" of the overall relations may contribute to generating an East-West regime when a dilemma-type situation already exists in a given issue area. In addition, normative-institutional factors can be identified as another distinctive set of conditions which have to be taken into consideration in regime analysis. In a nutshell, the normative-institutional analysis of regime formation holds that the existence and operation of a policy-making system with a clearly delineated jurisdiction in one or more issue area(s) create extra-opportunities and incentives to agree on cooperative arrangements for issues or conflicts which had been tackled primarily by unilateral strategies (cf. Ropers/Schlotter 1988). In East-West relations, the existence and modus operandi of the CSCE and its follow-up process can be regarded as an intermittently functioning policy-making system that has contributed to strengthening East-West cooperation and even to regime formation despite its usability for playing up divisive issues and for raising obstacles to cooperation. Empirically, this can be demonstrated by looking at the normative-institutional dynamic of the CSCE process which, for instance, helped to create the CSBM regime (cf. Efinger

23 For an intriguing analysis of this concept cf. Wagner (1988).

24 A game-theoretical examination of the linkage of two prisoners' dilemma games by McGinnis (1986) proves that, depending on the cardinal preference-ordering of the players, this kind of linkage may create, as well as destroy, zones of agreement.

1989:141 ff.) and provided some bargaining opportunities for achieving improvements including the mutually agreed provisions about working conditions of foreign journalists (cf. Mendler 1989:46 ff.). Put differently, favorable normative-institutional conditions support the formation of a regime in a dilemma-type situation, but they are certainly not sufficient to overcome the obstacles to regime-formation inherent in a Rambo-situation. Thus, we conclude that the normative-institutional approach does not offer an alternative to a situation-structural explanation but should be regarded as a supplementary line of analysis.

4.2.4. The same can be said for the cognitive approach to the analysis of international regimes (cf. Haas 1983; Nye 1987). On the basis of our case-studies it can be argued that the Berlin crisis of 1958-61 led to a learning process which made cooperation with respect to Berlin and intra-German-trade more attractive to all actors. Also, the risks of an inadvertent war which became obvious in the sixties and seventies have induced decision-makers in East and West to value mutual CSBM more highly than before. However, these conclusions tend to be drawn *ex-post*: 'Because the Berlin-regime was established there must have been a change of mind by the decision makers on both sides.' Put differently, if the cognitive approach is to inform empirical research on international regimes in a methodologically acceptable fashion, the analyst has to come up with data on the state of mind of decision makers independent of their decisions. This represents a difficult task but not an insurmountable obstacle; there is no other way of making the cognitive approach work. We end up with the conclusion that a methodology is urgently needed to establish the preferences and the beliefs of rectitude of decision-makers.

Even more troublesome is the recognition of the deficiencies of this approach as regards substantive and general hypotheses. It is one thing to argue that learning matters but another to predict when, how and in which direction learning affects outcomes. We need to develop substantive hypotheses about questions such as "what kind of learning is regime-conducive?", and "under which conditions do actors learn what?", etc.

4.2.5. These questions lead us directly to the subsystemic level of analysis. There can be little, if any doubt that a complete and satisfying explanation of the formation of international regimes should include subsystemic factors in a systematic way. But again, we hold that a subsystemic analysis does not supersede the situation-structural approach but provides a separate, complementary perspective on international regimes.²⁵

25 This statement does not imply that the incorporation of domestic actors in a game-theoretic model can be handled by introducing the concept of two-level-games (cf. for instance Denzau/Riker/Shepsle 1985, Putnam 1988, and Alt/Putnam/Shepsle 1988). Two-level games are certainly a highly promising concept for modelling and explaining the restrictions imposed by domestic actors on states' foreign behavior. Yet, this concept is not a subsystemic analysis in the traditional sense in that it does not try to explain interests and behavior of a state by properties of the national political system and of the respective society and economy.

Following Elster (1985:3) a complete explanation of social phenomena consists of three distinct elements; that is, the explananda are

- (1) the interests and preferences of the actors involved in an interaction,
- (2) the strategies of the actors in such an interaction,
- (3) the outcome of an interaction resulting from the actors' individually chosen strategies.

This methodological remark helps us understand where the opportunities for, and obstacles to, a subsystemic approach lie. On the one hand, we have to acknowledge that any attempt at explaining regime formation on subsystemic grounds only is doomed to failure since regimes are systemic constructs. One may concede that for instance, the so-called Gorbachev factor may **account** for the Soviet shift from reluctance to support East-West regime formation to a more genuine interest in regulating ("Verregelung") East-West issue-areas and perhaps even for the partial success of the subsequent efforts. However, it does **not explain** this shift since "the Gorbachev factor" lacks a theoretical meaning which would suggest testable hypotheses.²⁶

On the other hand, Elster's note helps clarify the specific contributions which the subsystemic approach can offer toward advancing regime analysis. While the situation-structural approach may yield insights as regards the last and, possibly, the second element of a full-scale explanation, subsystemic analysis is needed to explain actors' preferences (including their change over time) and the strategies which they choose (including again their change over time). In other words, subsystemic regime analysis requires above all that careful consideration be given to specifying the dependent variable. This dependent variable cannot be regime formation or regime change; rather, it must be conceptualized as regime-conduciveness either of actors' preferences or of the type of foreign policy pursued by a state in an issue-area. This, in turn, points directly to the predicament of subsystemic regime analysis. The dependent variable to be explained is unknown. Put differently, as long as we do not know what kind of foreign policy is regime-conducive - the only sensible dependent variable of subsystemic regime analysis - subsystemic regime analysis is a rather fuzzy enterprise. The project on East-West regimes is not designed to address primarily these urgent analytical questions. However, two brief suggestions on how to move towards more substantiated subsystemic hypotheses are offered:

- (1) As regards the second element of Elster's full-scale explanation, that is, the explanation of actors' strategies, it may be useful to look at cases of successful regime formation and to derive

26 There is one subsystemic hypothesis which nevertheless may apply to most cases. Regime formation requires a strong ("handlungsfähige") administration in all participating countries. Only such an administration is capable of foregoing a behavioral option when participating in a regime and only such governments are trusted by the participants to observe the regime's norms and rules. Needless to say, this is by no means a sufficient condition but should be taken as the absence of a restrictive condition for regime creation.

from them the properties of a regime-conducive foreign policy. The result of such an effort could be a typology of foreign policies with varying propensities towards different interaction outcomes. Put differently, the result could be a conceptualization of the dependent variable "regime-conducive foreign policy" which then can be explained by subsystemic analysis. A starting point for such an analysis can be found in the literature about strategies of inducing cooperation. While Axelrod (1984) suggests "tit-for-tat" as the most successful strategy, Osgood (1962) relying on social-psychological concepts has proposed "Graduated and Reciprocated Initiatives in Tension-Reduction" (GRIT). The few indications which come up in our cases studies suggest that a strict tit-for-tat strategy is too inflexible. Especially in those cases in which Rambo-type situations are linked in such a way that they yield a dilemma-type situation, a more accomodating policy stance - which could be described as "do-ut-des" - was adopted by the participating states before the regime was established, whereas in periods in which regime formation seemed unlikely, strategies which can be labeled "quid-pro-quo" prevailed.²⁷ To be sure, this is not the only way to identify a regime-conducive foreign policy. However, if it could be shown more reliably than it is done here that a "do-ut-des" strategy is regime-conducive, this would justify pursuing the analysis of the (subsystemic) conditions under which such a policy is likely to prevail. The search for answers to this kind of question would thus lead to substantive hypotheses about subsystemic conditions favorable to regime formation.

(2) As to the first element of Elster's complete explanation, that is, the explanation of actors' preferences, it would perhaps seem appropriate to lower one's sights at first: instead of striving immediately for an explanation of actors' preferences, a more modest task could be pursued more successfully, that is, the identification of instances when actors' preferences have changed and of the conditions under which these changes occurred. In this way, one could establish when, how and why actors learn.

Again taking indications from our case studies, we find some evidence supporting the hypothesis that, in times of perceived domestic economic problems, actors value East-West trade higher and defense expenditures lower than before. Put differently, when the public becomes acutely aware of an economic recession, decision-makers tend to change their preferences and value East-West trade as well as arms-control agreements higher than before. As in the case of strategies inducing cooperation, this assessment should be taken more as a clue as to how subsystemic research on international regimes should proceed than as a validated finding.

Our discussion of the conditions of regime formation can be summed up as follows: First, power-

27 A "quid-pro-quo" strategy is basically the same as "tit-for-tat" but does not necessarily begin with a cooperative move. A "do-ut-des" strategy is more accomodating than the above mentioned ones since it implies a series of cooperative moves ("Vorleistungen") without retaliating against a non-cooperative move instantly. "Do-ut-des" is to be distinguished from the GRIT strategy since the moves have to be issue-area-specific and concrete and do not possess symbolic and general character.

structural explanations have little to contribute to regime analysis in the East-West context. Secondly, the situation-structural approach seems superior and resulted in some noteworthy tentative findings. However, in dilemma-type situations regimes emerge only if other conditions are favorable. In order to determine several such conditions, the problem-structural approach and normative-institutional factors are extremely helpful. In addition, certain foreign policies such as a "do-ut-des" strategy may lend support to the establishment of international regimes. It remains to be seen how these sets of variables can be brought together to develop an integrated set of hypotheses deserving to be called "theory".

5. Consequences of International Regimes

The aforementioned article by Haggard and Simmons (1987) on "Theories of International Regimes" underscores a very important point about regime-analysis. They are fully justified in their criticism directed at the overemphasis of research on the formation of international regimes and the corresponding neglect of investigating their impact. The best explanation of regime formation is not of much worth, if regimes are not worth very much. This skeptical observation leads us to pose the following questions: do Regimes represent a special form of cooperation which is likely to foster peace among nations? Do regimes really matter? Do they deserve all the research efforts devoted to them during the last decade?

The assessment of Haggard and Simmons, in this respect, that little has been accomplished so far, is not totally off the mark but needs some modification. They discuss Keohane's "Functional Theory of Regimes" under the same label as, for example, the "Theory of Hegemonic Stability" and comment critically:

"Even if we knew that every regime performed some specified set of functions, this knowledge would not explain why regimes emerge in some-areas and not in others." (Haggard and Simmons 1987:508)

Here, they seem to fail to understand that Keohane's argument tells us something about the effects of existing international regimes and provides thereby a point of departure for attacking the lack of knowledge about the impact of international regimes. The function of international regimes can be said to lie, above all, in reducing the uncertainty and insecurity inherent in the state of international anarchy and, thus, in avoiding suboptimal collective outcomes in a conflict situation. To this end, regimes are expected to perform the following tasks supposedly fostering cooperation²⁸:

- (1) they stabilize mutual expectations as regards future behavior;
- (2) they tend to reduce transaction costs;
- (3) they produce information otherwise not available or only at a high cost;

²⁸ Besides the impressive analysis of Keohane 1984, this point is also put forward by Zürn (1987:36 ff.), Müller (1988b:7) and Rittberger (1988a:154 f.).

(4) they provide a frame of reference which guarantees that the interaction repeats itself frequently enough in order to generate a "shadow of the future".

If regimes actually accomplished these tasks, the significance of international regimes in bringing international politics to a more cooperative and probably even more peaceful state would be indisputable. However, these expected functions of regimes are derived, so far, from deductive analysis alone. And, moreover, it seems extremely demanding to test these hypotheses empirically. There are at least two reasons for this. First, in order to determine whether a specific regime in fact fulfills these functions, a wide variety of inside information, for instance, about the state of mind of decision-makers would be necessary. Secondly, any such attempt would face a more general heuristic challenge. Investigating the consequences of international regimes requires a counterfactual argument. In case the issue-area under investigation is not regulated by a regime, then one has to speculate about what a regime **could do**. And if a regime does exist, one has to cope with the question of what **would be** without it. This general analytical problem of all evaluation research is particularly cumbersome in regime analysis since a simple pre-after test is hardly conceivable. International regimes are purely analytical constructs, that is, they do not exist in a way in which international organizations or international treaties do. Therefore, the date of a regime coming into existence cannot be determined in a very precise manner. Following Elster's (1984) argument in "Logic and Society" we nevertheless hold that one cannot escape working with irreal conditional propositions in the social sciences. However, if one wants to show that regimes perform certain functions, indirect rather than direct research strategies have to be chosen.

If issue-area-specific international regimes perform the ascribed functions, then it can be expected that they are highly resilient when faced with a deterioration of the overall relations among the participants. If regimes really entail the avoidance of suboptimal collective outcomes caused, for instance, by the defection of one or more participating states, then there is little reason to expect a change of outcomes when overall relations suddenly turn sour. Since deteriorating overall relations do increase uncertainty about the adversary's motivations and future behavior, cooperation in issue areas not stabilized by a regime is likely to vanish with a deterioration of the overall relationship.

The confrontation of this hypothesis with the evidence from those of cases studies of East-West regimes which were established before the worsening of East-West overall relations between 1979 and 1984 results in considerable corroboration. The Baltic-Sea regime was not influenced at all by worsening overall East-West relations; none of the meetings of the consultative committees was cancelled and the general problem-solving approach espoused by the participants remained unchanged (cf. List 1988:52 ff.). Similarly, the rules managing the conflicts about the Berlin issues which had been highly contested for almost thirty years remained fully accepted. There were no unusual complaints on the Western side about the reduction of access to West Berlin nor

did West Germany initiate provocative activities with respect to her presence in West Berlin (cf. Schwarzer 1989:80 ff.). Furthermore, the regime regulating intra-German-trade demonstrated a resilience against the deterioration of East-West overall relations which can even be proved with numbers. Compared with other bilateral trade relations between East and West, which showed no significant growth between 1979 and 1984 or even diminished in most cases, the turnover in intra-German-trade increased markedly during this period. Moreover, neither side lodged any complaints concerning the deliveries of goods between West Berlin and West Germany and the other way around. The turnover remained stable as in the decade before (cf. Zürn 1989a:68 f.). Pertinent analyses of other issue-areas in East-West relations which reveal a mode of conflict management which comes close to our understanding of international regimes come up with similar results. Neither the NPT regime (cf. Nye 1988:350) nor the Incidents-at-Sea regime (cf. Lynn-Jones 1988:498 f.) were seriously affected by the deterioration in East-West relations from the late seventies onward.

This resilience of East-West regimes is even more remarkable when it is compared to issue-areas at the end of the seventies in which conflict management did not cross the threshold of regulation. In the case of the "Working Conditions for Journalists" as well as in the case of "Confidence Building Measures in Europe" the period between 1979 and 1984 had a clearly negative impact. The announcements of, and invitations to, WTO military exercises, which amounted in the four years after the Helsinki Accord was signed (1976-79) to eleven and six, respectively, decreased in the five-year-period between 1980 and 1984 to nine and zero, respectively (cf. Efinger 1989:99 and Mahncke 1987:40). Simultaneously, the number and intensity of complaints in the "Semiannual Report on the Implementation of the Helsinki Final Act" issued by the U.S. Department of State with respect to the "Working Conditions of Journalists" went up in this period at least for some Eastern European countries (cf. Mendler 1989:74 ff.).

Another hypothesis about the impact of international regimes suggests that they cause a reshaping of interests among the participating actors (Keohane 1984:100 ff.; Müller 1988a:20). **Conflict management through international regimes may lead, in the end, to conflict resolution since, over time, the positional differences of the actors tend to be minimized by commonly agreed principles, norms and rules as well as by increased and new information.** Again, without comparative case studies about a large number of regimes a rigorous test of this hypothesized impact of regimes on conflict intensity is hardly possible. In addition, every change of actors' interests with respect to issues regulated by a regime may come about through the operation of an existing regime as well as through other learning processes. Thus, any pertinent assessment has to be done with great care and requires an in-depth analysis.

In the cases of the Baltic-Sea regime and the Berlin regime the positions of the actors towards the contested issues did not change significantly over time. For instance, the difficulties, with which the EC-CMEA negotiations were faced because of the status of Berlin, left no doubt that

the basic positions of East and West as regards the status of Berlin have, at least in principle, not changed. As John Kornblum maintains, all parties to the Quadripartite Agreement over Berlin aim at the same ends as before, but have agreed to comply with a definite set of "rules of the game" (cf. Schwarzer 1989:79).

Conversely, some minimization of the positional differences between the state members of a regime seems to have occurred in the case of intra-German-trade. At least for the West German side, a change of interest can be observed. Until the mid-sixties trade with the GDR was seen, by the FRG, as instrumental to keep the access routes to West Berlin open. From the end of the sixties onward, intra-German-trade became increasingly an end in itself because, according to West German officials, it symbolizes the aspirations to national unity and generates links between people in East and West Germany. Therefore, West Germany has occasionally even approved measures for promoting this trade which are not fully compatible with the West German official view of the status of the GDR; similarly, East German practices sometimes disregarded dogmatic positions and the GDR collaborates now, for instance, with West German institutions in West Berlin (cf. Zürn 1989a:81 ff.). The extent to which this minimization of the positional differences, that is, of conflict intensity, can be attributed to the mode of conflict management (international regimes) is difficult to assess with sufficient precision. However, it seems plausible to credit the intra-German-trade regime at least for some of these changes.

We conclude that regimes may, and often do, contribute to lowering the conflict intensity by reshaping actors' interests in an issue and thus allowing for shifts in positional differences. To be sure, if it occurs at all this is likely to be an extremely protracted process which is by no means a necessary consequence of regimes either. At any rate, on our admittedly restricted empirical basis of four East-West regimes it can be stated that, during the existence of a regime, no increase of positional differences over the disputed issues could be observed.

Showing that regimes do foster and stabilize cooperation between nations does not permit the conclusion that international regimes are good per se. It is safe to assume that the survival of humankind seems unlikely without a sharply increased level of cooperation, but an increased level of cooperation does not guarantee its survival. Regime injunctions may serve evil purposes, or they may not suffice to achieve the desired ends.

Whether specific regimes are good or evil depends, of course, on a normative judgement. Yet, as a first step, it can be argued that **regimes which primarily regulate the relations of the regime members towards non-members, that is, "external regimes", as distinguished from regimes which primarily regulate the relations between the members, that is, "internal regimes", are less likely to promote universally shared or highly valued ends** (cf. Zürn 1987:39 f.). Whereas military alliances are clear cases of external regimes, global regulatory arrangements are necessarily internal regimes. All five cases examined so far in the project on East-West regimes have to be

categorized as internal regimes. In fact, none of these cases of more or less institutionalized cooperation in specific issue areas can be suspected of serving normatively dubious ends. However, the case of the NPT regime, for instance, raises serious questions. On the one hand, preventing a further proliferation of nuclear weapons is almost unanimously seen as highly desirable (for an antithetical argument cf. Waltz 1979). On the other hand, the Suppliers' Club, in particular, constitutes an element within the NPT regime explicitly designed to manage the relations of a few privileged states with the rest of the world to their advantage. Thus, the NPT regime may still be assessed as contributing to international security (or negative peace) but does not stand up to more demanding criteria of equity and justice.

Leaving aside the case of an evil-purpose regime, regimes can simply fail to achieve the desired impact despite fulfilling the criteria of effectiveness which are part of our definition of regime. The Baltic-Sea regime may illustrate this point. Even though all participants show sufficient adherence to the norms and rules of the regime, the Baltic Sea remains as dirty as in the mid-seventies when the regime came into existence. Certainly, it can be, and it has been, argued that without this regime the pollution of the Baltic Sea would be even worse (List 1988:61). Yet, the regime participants had to face up to the challenge that, without more rigid rules aimed at minimizing the influx of pollutants, the Baltic Sea will die as an ecosystem. In fact, during a revision conference ("Baltic Marine Environment Protection Commission") in February 1988 in Helsinki (cf. List 1988:55), a rule-tightening did occur the consequences of which however remain unclear.

Somewhat similar processes can be observed to take place in issue areas characterized by modes of conflict management including even written agreements which do not qualify as international regimes. The "Working Conditions for Journalists" and the "Confidence Building Measures" before 1986 are good examples. In these issue areas the further evolution of norms and rules toward a regime was prompted by the fact that disregard for mutually agreed norms did not seem to be incompatible with observing specific rules of conduct. The same pattern emerged in the "Incident-at-Sea" issue area. The older "Rules-of-the-Road-Agreement" did not explicitly ban dangerous maneuvers, simulated attacks or other harassments used by the navies of both superpowers in order to demonstrate strength and presence on the high seas. The costs of this practice, such as the mere physical threat to sailors and vessels or increasing tensions and the risk of war during crisis, led the Soviet Union and the United States to sign another agreement which clearly implies the renunciation of behavioral options on both sides and therefore may qualify as a regime (cf. Lynn-Jones 1988).

Taken together we sum up this discussion with the following finding: **the evolution of regimes is mainly driven by two different processes. First, if norm-contradicting behavior is possible without failing to abide by rules, this will lead to a specification of norms and an extension of rules which takes place most often before the regime is fully established. Secondly, if the norms and rules are accepted and complied with by all participants while the regime fails to achieve**

its substantive purpose, this will lead to a broadening and sharpening of the rules - a case of postconstitutional regime evolution.

6. The Regulated Anarchy of East-West Relations

The analysis of the consequences of East-West regimes revealed that they are indeed alternatives to power-based strategies of hedging against the infinite number of contingencies inherent in international anarchy without imposing some hierarchical form of integration on previously independent units or actors. However, with the spread of regimes among independent actors, anarchy does not remain the same. It will be transformed into what is called here "regulated anarchy".

The term "regulated anarchy" is borrowed from the ethnosociological literature on pre-state or segmented societies (cf. Sigrist 1967). It refers to the existence of acephalous societies, that is, societies without a central public agency which is capable of enforcing its normative control with publicly approved (physical) sanctions. A segmented society is composed of groups which enjoy equal or similar status and which are similarly differentiated in their internal structures. Segmented societies are held together through "spontaneous" coordination, a mechanism which is functionally equivalent to the one installed by a central authority for organizing collective action. Sigrist (1967:51) hastens to emphasize the issue specificity of the coordination pursued by segmented societies:

"Groups fighting each other in one situation will ally themselves against equivalent groups in another situation". (Translation by the authors)

Regulated anarchy, as a system of rule in segmented societies, presents itself as a powerful analogy for the study of international relations, in general, and of East-West relations, in particular. It does not presuppose convergence of units nor does it teleologically point toward centralizing integration. Rather, it is compatible with the independence of units or actors and, at the same time, a multiplicity of regimes differentiated in space, issue area coverage, density and membership.

If the model of regulated anarchy fits the reality of East-West relations we also should ask for new interpretive concepts of dealing with the process of civilization beyond containment and peaceful co-existence. Both "containment" and "peaceful co-existence" are based on a notion of the international system corresponding to its conceptualization as anarchy. Both concepts denote more or less unilateral strategies consisting of prescriptions about how to deal with the adversary. Instead, we are searching for a common perspective on the further development of East-West relations which we call "peaceful co-evolution" (cf. Rittberger and Werbik 1987; Rittberger 1988b). This concept refers to a process of increasing density of norms and rules regulating East-West interactions and a process of mutual learning (involving various asymmetries) with a view to reshaping all kinds of social institutions and practices.

We have tried to argue in this paper that the process of increased regulation in East-West relations does not stop necessarily in the face of "high-politics" conflicts such as the conflict about Berlin. However, our analysis also indicated quite clearly that conflicts about values are indeed the most difficult to regulate. Yet, East-West relations can only be steered toward a development which is referred to here as peaceful co-evolution if societies in East and West are prepared to install a mode of conflict management based on mutually accepted norms and rules even for conflicts about values. Since reciprocal strategies are not available when dealing with conflicts about values, the evolution of mutually accepted norms and rules in this field has to be based on learning processes which are not predicated on sanctions revealing the costs of a certain type of behavior, but result from increased empathy and tolerance, that is, what we call unilateral learning. Obviously, Gorbachev gives an example of such a unilateral learning process. The early indications of such a process notwithstanding and given the demand for comparable moves on the Western side, there is still a long way to go in order to overcome the most important obstacles to a full-scale regulation of the major issues in East-West relations which justifies the use of the term "regulated anarchy" originally coined for pre-state societies.

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