

Pragmaticist explorations: C.S. Peirce, the logic of inquiry and world politics

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Summary

The philosophical tradition of Pragmatism has recently entered the fray of International Relations debates. Pragmatism has so far been mainly employed in meta-theoretical discussions over the foundations of the discipline, and to address normative and methodological questions characterizing this field of studies. The main sources of inspiration in these discussions have been classic pragmatist writers such as John Dewey and William James. The work of one of the major figures of this tradition, Charles Sanders Peirce, has been by and large neglected in the literature. The claim advanced in this paper is that the application of some of the American philosopher's key insights, especially those regarding the logic of inquiry, to first order issues in world politics can enrich the current 'pragmatist turn' in IR and contribute to the expansion of the theoretical horizons of the discipline. To assess the potential of a Peircean 'pragmaticist' framework for the study of political phenomena, reference will be made to the case of the European Union (arguably the pragmaticist experiment *par excellence*), and more specifically to the recent emergence of a new post-national type of governance of Europe's borders.

Introduction: bringing Peirce in

The philosophical tradition of Pragmatism has recently entered the fray of International Relations (IR) debates (Millennium 2002; Rytövuori-Apunen 2005; Haas and Haas 2002). IR has thus followed the lead of other disciplines in the social sciences and humanities where a pragmatist revival has already taken place (Dickstein 1998). Pragmatism, rather than a unified and coherent philosophical system, it is an ‘attitude’, a methodological approach to philosophical enquiry¹. Although expressed in different ways, this attitude informs most pragmatist authors in IR in their attempt to make sense of International Relations as a discipline and of its subject matter, namely world politics. Their main contribution has been to show that it is possible to go beyond the dead-end clash between allegedly incommensurable theoretical paradigms that characterize this field of inquiry and to expand its narrow theoretical horizons.

Couched in these meta-theoretical terms, the applications of Pragmatism in IR have by and large mirrored those occurring in political and social theory (Festenstein 1997; Baert and Turner 2004). Pragmatist insights have, however, also been employed to study first order issues. This is particularly the case of the issue of agency in world politics. Pragmatist IR scholars have challenged the fixity of agency and ends that underlies a certain view of *inter-national* relations (i.e. the ‘rationalist’ assumption of the corporate nature of states whose exogenously given and

¹ According to Richard Bernstein, there are six common themes that define the pragmatic *ethos*: the focus on practical consequences (terms related to epistemic and moral values needs to be assessed practically); fallibilism (every cognitive, moral, and aesthetic claim is always open to questioning); the emphasis on the social nature of human life (minds and selves emerge socially in critical and creative dialogue with the rest of the community); antifoundationalism (there is no privileged Archimedean point upon which epistemic claims can be solidly based); contingency (the world is not pre-determined and its development inevitable, be it by God or Man); and pluralism (multiple perspectives on a particular problem help solve it better than a single view); Bernstein 1992: 326-9.

ranked interests or goals are then maximized). Pragmatism supposes a kind of radical openness about who is acting and in which nothing is exogenously given in the sense that it represents a fixed goal by reference to which instrumental courses of action are justified (Festenstein 2002: 556). Pragmatist authors have also criticized the rationalist and empiricist assumptions underlying mainstream approaches for their disconnect from experience. In their models the knower is mostly passive, the recipient of rational intuitions or immediate sensory intuitions². Contrary to this foundational view, pragmatism presents a vision that situates knowledge within possible experience as a practice: the practice of inference-making or inquiry.

The main sources of inspiration for IR pragmatist authors have been ‘classic’ writers such as John Dewey and William James. Deweyan pragmatism has been particularly influential in the discipline (Cochran, 2002; Haas and Haas 2002; Owen 2002; cfr. Festenstein 2001). Some of the classic pragmatists’ ideas have arrived to IR also through their (re) interpretation by contemporary authors such Habermas (see for example Risse 2000). The work of one of the founders of this tradition, Charles Sanders Peirce (1839-1914), has been by and large neglected in the literature (for an exception, see Rytövuori-Apunen 2005). Peirce shares the key tenets defining the pragmatist ethos. However, the American philosopher was vocally opposed to the ways in which pragmatism was popularized by some of his illustrious contemporaries (especially James’ ‘voluntarist’ and Dewey’s ‘instrumentalist’ versions), and thus formulated his own model, which he called *Pragmaticism*. According to Peirce, “Pragmaticism is not a system of philosophy. It is only a method of thinking (...), a theory of logical analysis, or true definition.”

² In rationalism, knowledge is based on an innate faculty that brings order to experiential chaos. For empiricists, knowledge is based on the direct impressions of perception.

(CP 5.212)³. This formulation of pragmatism is therefore narrower than the sense given by other pragmatist authors and more akin to logics. Yet Peirce conceptualizes logics in broader terms than the traditional meaning given to this domain of study. It does not merely refer to a set of abstract operations in an individual mind; instead its field of application has both a practical and social dimension. These dimensions are encapsulated in the model of scientific inquiry that Peirce proposes to account for how a community of inquirers achieves the ‘fixation of belief’, namely the re-establishment of the commonsensical understanding of the world that the periodical emergence of doubt shatters, and in the conceptual framework in which the analysis of this logic is inserted, namely Critical Commonsensism.

Rytövuori-Apunen argues that the promise of a Peircean model of enquiry in IR is that it can bring together rationalist, empirical and conventionalist approaches in the same network of discourse, while at the same time allowing the engagement of critical approaches with the mainstream of the discipline (Rytövuori-Apunen 2005: 151; 166). I want to take this claim further, and argue that Peircean ideas can be used not only as meta-theoretical standpoint to debate the epistemological foundations of the discipline or to discuss its methodological or normative issues, but also for addressing first order issues. What I have in mind is the idea of considering a pragmatist logic of enquiry as a middle range theory to study innovation and political change in world politics. The case that I have chosen to apply a Peircean pragmatist framework is that the European Union, arguably the pragmatist experiment *par excellence* (Albert and Kopp-Malek 2000). More specifically, I will look at recent emergence of a new post-national type of governance of Europe’s borders. Peirce’s logic of inquiry seems particularly

³ References to the collected Papers of Charles Peirce (CP) will follow the standard procedure of listing volumes and paragraph number in the reference.

suited to study this recent development in European politics and to grasp its complexities and unique features.

Before outlining the main tenets of the Peircean model of inquiry and its empirical applications, a note of caution is needed. Peirce did not explicitly address social and political issues (Ward 2001), let alone world politics. Peirce applied his ideas about the logic of enquiry mainly to the scientific field. Moreover, despite his emphasis on empirical research, he mostly dealt with first order issues, and thus there are no ready-made middle range theories that can be easily transferred to other fields. These problems are compounded by the fact that Peirce's work is notoriously complex and open to various (and often contradictory) interpretations⁴. Despite these difficulties, the 'grafting' of Peirce to the social sciences, and IR more specifically, is nonetheless warranted. The author implicitly touched upon notions that are central to social theory, such as that of the symbolic, the semiotic, the dialogical, and the cultural (Wiley 2006: 24). Peirce himself hinted that his pragmaticist logic could be used beyond the hard sciences. Some sociologists and anthropologists, and a growing number of scholars in neighboring disciplines, have indeed followed his advice and creatively adopted his ideas in other social realms (Wiley 2006: 28)⁵. The same – I contend - can be cogently done for world politics. There

⁴ The interpretation of Peirce's thought has for years provoked a wide disagreement amongst scholars. According to Goudge, "every interpretation of Peirce must be to some degree controversial" (Goudge, 1950: vii). In more recent years a growing number of commentators have nonetheless acknowledged the basic coherence and systematization of his thought (Santaella-Braga, 1993; Hausman, 1993; Houser and Kloesel, 1992).

⁵ For sociology, see Halton 1994, Rochberg-Halton 1986, Sobrinho, Blasco 2001; for anthropology, see Parmentier 1994; Singer 1984. 'Peircean' scholars can be found also in psychology (Muller and Brent 2000), economics (Samuels 2000), literary studies (Rohr 2003), education (Pietarinen 2003) and legal studies (De Jong and Werner 1998).

are in fact elements in Peirce's pragmaticist logic of scientific inquiry that justify this conceptual grafting and make it fruitful for the study of political phenomena. This is particularly true for instances of political change that involve a transformation in the taken for granted assumptions defining a political community.

While highlighting the potential of Peircean approach in IR, it is necessary to recognize the limits of this endeavor. The most notable weakness in such framework concerns a key component of any political analysis, namely power. This dimension is underspecified in the application of a Peircean model to study world politics that I present in this paper. In the concluding section, I therefore consider some possible ways in which this model might be further refined to take into account its central role in world politics.

Peirce, critical commonsensism and the logic of inquiry

One of the central elements of Peirce's thought and, arguably, one of his most original contributions to the history of Western thought, is his conceptualization of the logic of inquiry. The starting point of Peirce's analysis is a critique of the Cartesian model of scientific investigation centred on a solitary knowing subject and a narrowly rationalistic method (Parker 2001: 2). As a working scientist himself, Peirce found this modernist account of science wanting in at least two respects: it failed as a description of how scientific investigation actually proceeds as a social effort, and it failed to adequately characterize the norms that guide successful scientific investigation.

Instead of following the Cartesian method of universal doubt in order to arrive at indubitable first propositions, Peirce argues that in order to overcome doubt and 'fix belief' we should begin with all the prejudices we have developed over the years, not from abstract, a priori

principles. As Peirce puts it: “in truth, there is but one state of mind from which you can ‘set out’, namely, the very state of mind in which you actually find yourself at the time you do ‘set out’ - a state in which you are laden with an immense mass of cognition already formed, of which you cannot divest yourself if you would” (CP 5.416). This state of mind is the existing commonsense, which is constituted by indubitable (because uncriticized) beliefs of a general and recurrent kind, as well as indubitable acritical inferences (e.g. incest is a crime). As long as it is taken as the accepted truth, commonsense is not questioned. The indubitables that constitute commonsense, however, are under constant scrutiny, and can be challenged at any time. The recognition of the central role of doubt in human life represents the ‘critical’ element in Peirce’s Critical Commonsensism. Doubt is also the initial trigger of inquiry. Peirce indeed talks about the ‘irritation of doubt’ as the state of mind that pushes inquirers to undertake their explorations.

Peirce identifies four methods for overcoming doubt and achieving the fixation of belief: tenacity, authority, a-priori, and the method of science. Peirce criticizes the first three methods because they do not acknowledge the fallibility of all our beliefs, and thus they lack a procedure for dealing with mistakes and for establishing a habit of continuous self-correction⁶. Only the final method distinguished by Peirce, the *method of science*, is fallibilistic through and through. This method consists of three closely interrelated types of processes: abduction, deduction and induction. Abduction is the first step, and the most innovative aspect of Peirce’s model. Peirce defines abduction as ‘the process of forming explanatory hypotheses’ (CP 5.171), the ‘only kind of argument which starts a new idea’ (CP 2.96). The abductive formulation of new hypothesis is

⁶ The method of tenacity involves the stubborn insistence that one's current beliefs are true; the method of authority refers to the institutional enforcement of an orthodoxy concerning key beliefs; and the a priori method is the uncritical belief in what seems agreeable to reason.

based on the observation of certain facts from which we suppose a general principle that, if true, would account for the facts being what they are. In stylized form, an abductive type of reasoning looks as follows:

- The surprising fact C is observed.
- But if A were true, C would be a matter of course.
- Hence, there is a reason to suspect that A is true. (CP 5.189)

Abduction is thus near to guessing. But although guesses can be creative - paraphrasing Tennyson, Peirce said that “Wildest dreams are the necessary first steps towards scientific investigation” (1958: 233) - abductive reasoning is not a random process; it deals with those ways to reach a conclusion that are better than pure chance, that is, how to get *good* guesses. Instinct plays an important role in this operation, and particularly in interpreting potential clues that phenomena and experience offer (CP 7.220; Paavola 2005). Peirce’s idea seems to be that, on one hand, human instinct can be under some control, and on the other hand, with abductive inference the element of control is not so strong as with other forms of reasoning. So abduction can be seen as a borderline case, which is ‘the closest reasoning gets to nonreasoning’ (Anderson 1987: 42; Paavola 2005: 143). Peirce’s originality is thus to show that there is a *reasonable* argument that accounts for the creation of a hypothesis, and that insight and inference are not mutually exclusive. This is in sharp contrast to the traditional positivist and rationalist view that

portrays induction as the only appropriate procedure of discovery and hypothesis-making as a fundamentally ‘irrational’ act (Chauviré 2005: 212-13)⁷.

Scientific inquiry does not end with abduction. A suggested hypothesis must be defined and made clear and it must be examined to see if it bears out its initial promise. The next step in the logic of inquiry is thus deduction. Deduction consists in determining the conceivable consequences that would result from the acceptance of a hypothesis as something to act upon. “The Deductions which we base upon the hypothesis which has resulted from abduction produce conditional predictions concerning our future experience. That is to say, we infer by Deduction that if the hypothesis be true, any future phenomena of certain descriptions must present such and such characters” (CP 7.115n). With deduction we thus plan and prepare for future action. We figure out *how* to do something in advance of doing it, thinking through potential problems as much as possible.

In order to bring these predictions to the test, and thus to form our final estimate of the value of the hypotheses created through abduction and deduction, the inquirer needs to institute some sort of experimentation. This process is what Peirce calls induction. The experimentation (or ‘quasi-experimentation’ as Peirce calls it) that characterizes induction consists in “producing

⁷ For rationalists and positivists, inquiry begins with an irrational intuition that is not an inference made from observed facts. According to Popper, “The initial stage, the act of conceiving a theory, seems to me neither to call for logical analysis nor to be susceptible of it...my view of the matter, for what is worth, is that there is no such thing as a logical method of having new ideas, or a logical reconstruction of this process. My view may be expressed by saying that every discovery contains “an irrational element”, or “a creative intuition” in the Bergsonian sense (Popper 1968: 31-32). For Peirce, this argument is misplaced, since “(t)he elements of every concept enter into the logical thought at the gate of perception and make their exit at the gate of purposive action; and whatever cannot show it passport at both those two gates is to be arrested as unauthorized by reason” (CP 5.212)

or searching out a state of things to which the conditional predictions deduced from hypothesis shall be applicable and of noting how far the prediction is fulfilled” (CP 7.115n8;)⁸. It is by looking at the results of these tests that inquirers are put in the position to validate a hypothesis, the first step towards the establishment of belief (Chauviré 2005: 216).

So formulated, the Peirce’s conception of induction seems to coincide with the (logical) positivist principle of verification. Both in fact rely on an experiential or practical criterion of meaning, whereby a proposition must have some observable effect in the world to be meaningful. At a closer look, however, the two models are rather different. The first difference lies in the notion of experience. For verificationists, a verifiable experience is a directly observable one, i.e. observable in terms of simple sensory experience. Peirce, on the other hand, has a broader concept of experience. His ontological commitment to the reality of “would-bes” (i.e. the hypothetical worlds created through the abductive process) is flatly rejected by verificationists. Similarly, verificationists do not share Peirce’s view that induction can be gradual, involving the “making a new estimate of the proportion of truth in the hypothesis (or belief) with every new instance.” (CP...)⁹. Since verification occurs in degrees, there are also degrees in the firmness in which beliefs are fixed, and therefore, after verification has been conducted, the inquirer can only make provisional assertions. “Every proposition which we can be entitled to make about the real must be an approximate one” (CP 1.404).

⁸ There are two types of experiment: ‘real’ (entities manipulated are objects and processes of the perceptible world) and ‘ideal’ (human constructions, counterfactuals). Both are exposed to errors, and can be corrected through repeated trials.

⁹ ‘Gradual’ is in contrast to ‘crude’ induction favored by positivists. Crude induction entails simple enumeration—collecting examples for pre-existing categories.

Another important difference with the traditional positivist model of scientific enquiry is the role that the community of enquirers plays in fixing beliefs (Struan 2006). For Peirce, the establishment of habit across persons and communities is what is distinctive about this exercise, not *individual* action and reaction. “The real is the idea in which the community ultimately settles down” (CP 6.610). The reason is that scientific inquiry is a quintessentially social practice. “Unless we make ourselves hermits, we shall necessarily influence each other’s opinions; so that the problem becomes how to fix belief, not in the individual merely, but in the community” (CP 5.378)¹⁰. Peirce’s point here is not to claim that reality *per se* is dependent on some form of consensus in the community, but rather that our individual and collective understandings of the world will be facilitated in approaching that which is real in the long run of things so long as inquiry is carried on in a community of inquirers. Under such conditions, which according to Peirce will compensate for the fallibility of individual opinions and beliefs, the opinions shared by the community of inquirers cannot but help converge in the long run with that which is real in the long run. Nonetheless, such an “ideal state of complete information” is in itself only a hypothesis, a “would-be” and must thus always remain a matter for belief on the part of human beings as individual, finite, inquirers (Coppock, 2007)

Peirce meets world politics: correspondences and applications

The central claim advanced in this paper is that the Percean conception of inquiry is applicable to the realm of politics. Such move is not uncontroversial. Peirce himself was sceptic about the

¹⁰ The social dimension of truth claims clearly contrasts with William James’ conceptualization of the ‘will to believe’, which implied that we could construct a reality non-socially, that is, by ourselves, and in the short run (Wiley 2006: 44).

utility of exporting his ideas out of the natural sciences. For him, science and everyday life are characterized by two distinct methods of inquiry. Science is based on formal reasoning or ‘logica docens’, while everyday life on reasoning habits or ‘logica utens’. Logica docens is comprised of the process of deliberately making certain types of inferences at certain stages of an inquiry. Logica utens is instead the acritical, and thus, non-deliberate, application of instinctive habits for making inferences, which allows us to perform the thinking that “our regular business requires us daily to do.”¹¹ Peirce made it clear that his version of pragmatism is a theory of the deliberate conduct of reasoning and is thus not meant to explicate the instinctive reasoning habits of *logica utens*.

Another problematic aspect in the relation between science and everyday life is that for Peirce truth obtained through the scientific method can only be established in the long run within an ever expanding community of inquirers. Issues and problems in social practices and institutions, however, generally require interpretations in a limited time frame and localized context (Rochberg-Halton 1986: 14)¹². Furthermore, the object of inquiry in science and everyday life seems to be made of ontological different ‘material’. The main components of the social domain are not natural entities such as the diamonds Peirce refers to in his analysis of pragmatism, but human practices and institutions that are constituted by self-reflective

¹¹ Peirce took the terms *logica utens* and *logica docens* from the scholastics of medieval times. The term “*utens*” derives from the Latin word “*uti*,” which means *to use*.

¹² The apparent lack of an immediate ‘practical’ application of Peircean ideas is one of the main differences with other pragmatist authors such as James and Dewey. In James’ radical empiricism truth is what works in concrete instances; for Dewey truth is localized in specific situations of inquiry. This emphasis on the practical dimension of inquiry can explain why their insights, unlike Peirce’s, were applied to study social phenomena (and indeed they were by the authors themselves, especially Dewey).

individuals, and that might change as a result of the activities and interpretations of those involved in their creation.

Yet if we look more closely at Peirce's conception of the logic of inquiry, and link it to other elements in his critical commonsensism, the grafting of his ideas to everyday life seems not as far fetched as it might appear at first sight. First of all, Peirce himself is ambivalent on this point. Despite claiming that scientific inquiry is a sui generis domain, he did consider (albeit in *passim*) the possibility of extending his model to non-scientific communities such as the religious and the legal (Parker 2001). The irritation of doubt that may give rise to science can, after all, arise in other areas of human experience. Any group that encounters doubt and sets out to address it with a scientific method would be a scientific community. It is in this 'analogical' sense that we can talk about the application of Peirce's insights to the political realm.

In order to make the analogy stick, however, it is necessary to counter the charge that the methods of inquiry and the subject matter in science and everyday life are antithetical and thus irreconcilable. One way to respond to this apparent *aporia* is to accept that *logica docens* and *logica utens* are indeed distinct methods of inquiry, but instead of competitors, treating them as two expressions of the more generalized faculty of reasoning that characterize the human condition, a faculty that is not restricted to the scientific field (Hookway 1993: 2). From this perspective, the two logics are complementary types of reasoning that are applied at different stages of human inquiry. This point is clearer if we take into consideration the conceptual framework in which Peirce inserts his analysis of scientific inquiry, namely critical commonsensism. As we have seen, one of its insights is that inquiry must start from the existing unquestioned assumptions about reality. The type of reasoning that it is activated in these circumstances is *logica utens*. When the assumptions that constitute commonsense are

questioned, and thus the ‘critical’ aspect of inquiry is set in motion, *logica docens*, the more deliberative type of reasoning, takes center stage. Its final goal is the re-establishment of belief within the community of inquirers. Once commonsense is re-established, the type of reasoning reverts to *logica utens* that characterized the ‘pre-irritation’ period.

The argument presented so far supports the claim that the methods of inquiry that characterize everyday life and science can co-exist through a sort of division of labour. In order to plausibly graft Peirce’s ideas to the social world, however, the argument needs to go farther and demonstrate that the scientific method of inquiry is not just complementary with everyday life, but also compatible with it. To put it differently, it is necessary to show that the distinction between the two is more blurred than it is generally portrayed to be (including by Peirce himself). To accomplish this task, we should foreground the ‘sociological’ elements underpinning Peirce’s thought.

The first, and more explicit, of these elements is related to the communal dimension of the Peircean conception of scientific inquiry. As argued in the previous section, for Peirce inquiry is not an individualistic and abstract endeavour, but a collective activity involving the interaction and communication of a community of inquirers whose goal is to make sense of the reality surrounding them. Conceptualized in this fashion, inquiry is an interpretative tool that humans rely on to collectively give meaning to their lives. As a human construction constituted through interpretation, the reality or ‘living belief’ that Peirce talks about – the reality that is both the starting and end point of inquiry – is a cultural system, and as mechanism aimed at re-establishing this reality, inquiry itself is a cultural tool¹³. This cultural system is constituted by

¹³ Since life becomes meaningful through interpretation and communication within a community of inquirers, the logic of inquiry can be considered as a type of semiotic activity, a view that Peirce himself contemplated. On the

the existing, mostly unconscious and taken for granted experience we possess. These indubitable beliefs constituting commonsense “rest on...the total everyday experience of many generations of multitudinous populations” (CP 5.522). Even the instinctual dimension of abduction depends on previous experience. Unlike intuition, instinct must be mediated by its context. “(A)n instinct, in a proper sense of the word, is an inherited habit, or in more accurate language, an inherited disposition” (CP 2.170).

One of the upshots of the argument about the mediated nature of logical reasoning is that inquiry is not a completely conscious activity. The unconscious aspect of inquiry is not limited to its preliminary and final stages, when commonsense reigns. It is also present in the abductive moment of inquiry. The principle “that we often derive from observation strong intimations of truth, without being able to specify what were the circumstances we had observed which conveyed those intimations.” (CP 7.46) means that abduction is a ‘guessing with non-conscious clues’ (Paavola 2005: 14)

The unreflective dimension of inquiry is not the only non-cognitive element in Peirce’s analysis of scientific inquiry. As it is the case for practical reasoning, emotion plays an important part in this activity. For Savan, Peirce’s logic of inquiry is at the core an ‘affective theory of doubt and belief’ (Savan 1981: 327). Doubt, the instigator of inquiry and that “uneasy and dissatisfied state from which we struggle to free ourselves” (CP 5.372), is first felt rather than known; a situational feeling of doubt then becomes known, and at this point the inquirer

semiotic dimension of logic in Peirce’s thought, see Fisch 1986. The idea of inquiry as semiotic activity echoes the conceptualization of culture a system of signs as developed by the anthropologist Clifford Geertz (Geertz 1973). Unlike Peirce’s reliance on experience, however, Geertz stresses the a-priori acceptance of authority as basis for validity of cultural beliefs and thus ultimately maintains a conceptualist framework that restricts the scope of cultural signification and belief (Rochberg-Halton 1986: 118).

understands that there is a problem requiring inquiry. Peirce does not claim that emotion and cognition are distinct classes of entities, or kinds of experiences, but rather elements that pervade all experiences, elements that are ontologically inseparable, even though analytically distinct (Hausman 1997).

The argument that scientific inquiry does not deal with issues of ‘practical importance’ can be countered if we consider a broader sense of the term ‘practical’. The establishment of new belief is the goal of inquiry. But this does not entail the mere acquisition of abstract knowledge. A genuine belief is “something on which a man is prepared to act” (2.148). In this sense, opinion is a habit, or the disposition to act in certain ways under certain conditions. Inquiry is thus ultimately a phenomenon of habit-taking. We learn about the world not simply by forming ideas in response to stimuli, but by forming habits of responding to the world. The world is something whose processual character we can embody, and that we imitate, in the way we act (not something we can depict in the way we organize our ideas). It is in this sense that inquiry can perform a practical role in everyday life.

If scientific inquiry has some parallel with reasoning in everyday life, what about their subject matter? Do they refer to the same kind of ‘things’? Peirce recognized that everyday life is in large part made up of relatively stable routinized practices. Human beings are indeed a ‘bundle of habits’. These habits are not eternal; they change. But it would be wrong to assume that this does not occur in the natural world as well. For Peirce, nature is not a static realm of unswerving law but rather a dynamic entity characterized by continually evolving habits that exhibit considerable spontaneity (Rochberg-Halton 1986). What the directly measured facts of scientific practice seem to tell us, then, is that, although the universe displays varying degrees of regularity, the universe does not display deterministic *laws*. In terms of regularity, the natural

and human world present differences in degree rather than kind. At one end of the spectrum, we have the nearly law-like behaviour of physical objects like stones; at the other end of the spectrum, we see the in human processes of imagination and thought an almost pure freedom and spontaneity. The immediate result, then, of scientific inquiry is that not everything is fixed by exact law (even if everything should be constrained to some degree by habit). Peirce understands this to mean that spontaneity has an objective status in the universe. He called his doctrine “tychism”, a word taken from the Greek word for “chance” or “luck”. Tychism is a fundamental doctrinal part of Peirce's view, and reference to it, besides providing an added reason for Peirce's insisting on the irreducible fallibilism of inquiry, it also offers a justification for considering the application of the logic of scientific inquiry beyond the natural world.

So far, I have tried to foreground the sociological dimension of Peirce's logic of inquiry to justify its grafting to the social realm. But what about politics, the subject matter under scrutiny here? On one hand, we could argue that this move is warranted since politics is a type of social process, hence the discussion in the previous paragraphs applies to politics as well. On the other, the specificity of the political in Peirce's work should be addressed to make the transition more plausible. While Peirce gives us few hints on this question, for some commentators there is an undercurrent of political thought running through of his work (Anderson 1997, Tarr 1981, Ward 2001, Talisse 2004). According to Anderson it is the social dimension of the fixation of belief (the fact that is it accomplished within a community) that casts it as a political issue. In asking how a community should govern the processes and contexts of fixing its beliefs, we ask not only about a specific kind of political action, but also about how we might envision the constituency of a healthy community (Anderson 1997: 224). A political dimension is also evident in Peirce's insights about what we could call the ‘political economy of research’. Peirce

understood that science is a human and social enterprise that operates in some given historical, social, and economic context. Economic resources of the scientist are always scarce, even though all the while the “great ocean of truth”, which lies undiscovered before us, is infinite. Inquirers must decide what problems are crucial and paramount and must be attended-to immediately, and what problems are instead trivial or can be put off until later. Just like policy-makers, in their activities inquirers thus need to make difficult decisions under pressure, and to take into account contending – sometimes even clashing - demands.

Besides the specific political elements in Peirce’s thought, there are also elements in politics (as opposed to other social domains) that correspond to his vision of inquiry. First of all, politics, like science, is a collective and public enterprise that takes place within a community of policy-makers and other political actors. The public element of politics means that it is open to scrutiny (though the degree of openness of a political system varies considerably). Secondly, politics is practically oriented since it aims at solving concrete problems (be it a political crisis or a particularly difficult diplomatic negotiation). Thirdly, the logic followed by the actors involved in the political arena is typically characterized by a mix of rationality and instinct, and in their practices they often rely on information of which they are not conscious (what we might refer to as ‘tacit knowledge’, or expertise). At the same time, politics is more regulated and controlled than everyday life, and policy-makers often have to reflect on their activities to make a sound decision or learn from past experiences. Fourthly, one of the typical dynamics within a political community is the struggle to achieve consensus over the approach to address a particularly thorny issue. This process is contested, and might not succeed; and even if it does, it could unravel at any time.

These correspondences suggest that a Peircean logic of enquiry can be fruitfully applied to study political phenomena, and used as basis for a middle range theory to explain instances of epochal political change. The European Union as political project seems the ideal case to test this model. At the core of this project there is in fact the ‘revolutionary’ objective of going beyond what for centuries has been the dominant state-centred model of world politics. The EU is also particularly interesting because debates on, as well as practices of, European governance seem to reflect a ‘pragmatist attitude’ in international relations (Albert and Kopp-Malek 2002). With the lost legitimacy of the fixed delimitations of the Westphalian frame, the quest for an European common political space serves the pragmatic purpose of providing a horizon for meaning and its understanding. This hermeneutical horizon “can never be reached or transcended, but always expands to determine and be determined by every new operation of understanding.” (Albert and Kopp-Malek 2002: 456) Moreover, different accounts of what Europe is may analytically compete with each other, but they do not lend themselves to being positioned against each other in epistemological or ontological battles. Each new structural account only pushes the phenomenological horizon of Europe back further—opening up new spaces and routes to cut across all structural accounts and contributing to the pragmatist dynamics of the respective discourses (Albert and Kopp-Malek 2002: 456).

Besides these pragmatist elements highlighted by Albert and Kopp-Malek, the European Union project presents also some more specifically Peircean features. As the term ‘project’ suggests, the formulation and then progressive implementation of the EU involves a mix of rationality and intuition, technocracy and creativity on the part of its ‘creators’. As the case study I examine in the next section will show, a pragmaticist model based on the logic of inquiry offers

a promising way to make sense of the political dynamics that characterize the realization of this political project.

Testing Peirce: the pragmatist logic of discovery and border control in Europe

The emergence in the 1990s of a regional approach to manage border control in Europe (hereafter ‘Schengen’, from the name of the institutional arrangement that made this development possible) is one of the most remarkable events in contemporary European politics. It is remarkable because in adopting this new model members of Europe’s border control community¹⁴ challenged what until recently was the commonsensical nationalist way of thinking about border control across the continent. In this sense, this development can be equated to the process leading to a new scientific discovery. In the next sections I elaborate this correspondence further and attempt to establish if a pragmatist framework can be cogently applied to examine the case of border control in Europe. In order to do so, I have reconstructed the story of Schengen according to the analytical framework that Peirce used to account for the logic of scientific inquiry: from the appearance of a problematic situation (the growing challenges to the Westphalian approach to border control in Europe in the 1980s), to the ‘irritation of doubt’ that this situation triggered within a relevant community of inquirers (here Europe’s border control community), to the formulation by members of this community of possible solutions to the problematic situation (the outlining of alternative ‘post-national’ models of border control in Europe); to the practical experimentation of these suggested solutions (the trials of alternative

¹⁴ In the European case, this community is regional and consists of national and supra-national policy-makers responsible for border control across the continent. They include ministers representing national governments and their delegates, high-level government officials from national capitals or as permanent representatives abroad, and EU officials from the Secretariat of the European Council and the European Commission.

models of border control through diplomatic practices and policy initiatives); finally, to the debate within the community over the results of these practical experiments (which, in the case of border control in Europe, ultimately led to decision to accept Schengen as new official approach to border control in the region).

Border control in Europe and the 'irritation of doubt': the challenges to Westphalia and the search for alternative models

The nationalist conception of borders has a long pedigree in Europe, dating back to the formative years of the state-system in the 17th century. It is only after the Second World War however, that European states gained full “control of the means of movement” (Torpey 1998) across their territories. Arguably, even at its peak, a Westphalian model of border control contained internal contradictions¹⁵. These dissonant elements, however, did not seriously threaten the foundations of the Westphalian edifice. In this period, national governments were still fully in charge of border control, borders were heavily guarded, and regional cooperation on this issue remained limited.

A decisive challenge to a nationalist model of border control occurred only at the beginning of the 1980s. This was the result of the convergence of a series of developments.

¹⁵ The most notable examples were the Iron Curtain (the fortified barrier dividing Western and Eastern Europe erected in the early phases of the Cold War) and the then newly created European Economic Communities. The former was a traditional kind of border because of its military nature, but it also represented a collective ideological defence line separating two worldviews. The latter stressed mainly the economic implications of borders. As O'Dowd and Wilson note, “the rationality of economic principles was precisely the means employed by the founders of the EU (then ‘EEC’) to desacralise the historically volatile pattern of European national borders” (1996: 9)

Some were global, such as the growth of economic and other types of flows (including population movements); others more specifically (western) European, such as economic stagnation and high unemployment, terrorism, and the ‘Euro-sclerosis’ that had paralysed the working of the European Communities since the 1970s. In the economic realm, national governments, following the suggestions of the emerging neo-liberal credo, began to consider the opening up of borders as a solution to the challenges of globalisation and stagnation (O’Dowd 2003: 19). The most visible effect of the growing migratory pressure on Europe was instead the imposition of tighter restrictions over the movement of non-European migrants in this period (Joppke 1998). Similarly, the threat of national and international terrorism led to a greater involvement of security agencies in the surveillance of citizens and their movements within Europe and across its external borders (Bigo 1996). In the European Communities’ context, the slow progress towards the achievement of the goals of the Treaty of Rome (the free movement of capital, goods, trade, and people within Europe), together with new challenges such the enlargement to the Iberian Peninsula, highlighted the need for reform. Crucial in this phase was the window of opportunity opened by the solution of the thorny issue of the British budgetary contribution to the EC, which had stalled the works of the European institutions since the late 1970s.

These developments put borders, which were relatively ‘invisible’ during the previous decades, back at centre stage in policy debates across the region. They generated a sense of urgency on decision-makers to respond to the new challenges, but also pointed in contradictory directions. On one hand, they created pressure for more openness of borders, while, on the other, they called for more restrictions. The result was a growing tension between the economic and the security realms, and a questioning of the capacity of governments to find an effective trade-off

between them. Overall, these trends highlighted the inadequateness of national approaches to deal with the complexity of border control, and spurred European decision-makers to find viable alternatives. It is in this context that two initiatives (what I call ‘Schengen’ and ‘Brussels’¹⁶), each one representing an alternative model to the then dominant national one, were launched in the early 1980s.

The abductive moment: the pursuit of Schengen and Brussels as alternative models of border control

The Schengen and Brussels initiatives were regional (both in terms of the source of political impetus and geographical scope), and their common objective was the abolition of controls at European internal borders¹⁷. They differed, however, in terms of underlying assumptions about

¹⁶ The use of these geographical terms is meant to be evocative of the features of each initiative. Schengen is the location where a key agreement was signed (the 1985 Schengen agreement). Brussels is the official ‘capital’ of Europe, and as such represents the very essence of the project of European integration, which, among other things, entails a particular conception of borders.

¹⁷ The origins of these initiatives can be traced back to events occurring between 1984 and 1985. Thanks to the newly formed axis Paris-Berlin, European leaders agreed at the European Council of Fontainebleau (26 June 1984) to abolish all police and customs formalities at intra-community borders for the movement of persons. As a follow up to Fontainebleau, France and Germany signed a bilateral agreement regarding the gradual abolition of control at their common border (Saarbrücken Accord of July 1984). This text formed the basis of a more comprehensive agreement, which was signed in June 1985 in the Luxembourg town of Schengen, and that included also the Benelux countries. In parallel to what was going on at the intergovernmental level, activities within the EC were in full swing. Fontainebleau gave a political mandate to Community institutions to come up with concrete proposals to move the European project forward. The abolition of internal borders was a central component of this program, and thus it is mentioned in all key texts dealing with the reform of the EC that were drafted in this period, from the

what the intended new border control domain would look like, and the means to get there (most notably, one relied on the EU (then European Community) framework, the other used an intergovernmental route). At the same time, they represented two distinct alternatives to then dominant Westphalian culture of border control. But why were they pursued in the first place? How did members of Europe's border control community justify their actions?

With regards to Schengen, the declared objective of the initiative was the abolition of all border controls across Europe. In pursuing this goal, however, Schengen members had to demonstrate that the intergovernmental approach they were employing was compatible with the European integration project. Their initiative was in fact clearly at odds with the long established practice among European states of working together under a common institutional umbrella, and it could have led to an the creation of a Europe of 'variable geometry', with some members 'in' and others 'out'. A strategy used by Schengen members to justify their 'fuite en avance' was that of making explicit that their ultimate goals were indeed the same as those of the Community¹⁸. The core of their argument, however, was to present the initiative as a 'laboratory' for Europe. Schengen could provide a pragmatic and effective approach to border control, and a

European Commission's White Paper (1985), to the Adonnino Reports (1985), the Single European Act (signed in 1986, and entered into force on 1 July 1987), and to the Palma Report (1989). The latter document, drafted by an hoc group created by the European Council in 1988 (the 'Coordinators Group on Free Movement'), outlined the practical steps necessary to achieve the objective of abolishing all border controls across Europe, and as such it formed the basis for the following negotiations within the EC.

¹⁸ In preamble of Saarbrücken agreement, for example, there is a reference to the 'continuing and greater ('sans cesse plus étroite') union among the people of the EC states'. Similarly in the Preamble of 1990 Schengen Implementation Convention the five members consider that their purpose does comply with the objective of the 'internal market comprising an area without internal frontiers'.

give an important contribution to European integration. According to Charles Elsen (former General Director of Justice and Home Affairs Directorate within the European Council):

The proponents of Schengen are not working in vain; they are demonstrating a possible and feasible way, creating a laboratory for Europe, and ultimately offering a decisive push to the European project (Quoted in Van der Rijt 1998: 65; author's translation).

Besides national delegations involved in the process, other members of the border control community echoed this idea of Schengen as 'laboratory'. Jacques Delors, the Commission's president in the mid 1980s, argued that "The solutions arrived at by the Schengen group are an inspiration to Community bodies..." (Reply to Written Question 2668/90, OJ 1991 C 144/11). The support of an organism whose main role is to be 'the guardian of the Treaties' of an initiative that *de facto* circumvented these very Treaties is certainly controversial. The Commission's stance had nonetheless the effect of conferring a degree of legitimacy to this initiative. All actors involved therefore converged on the fact that Schengen, despite its questionable origins, was a project they could all embrace. Van der Rijt (who worked as director of the Schengen Secretariat) colourfully summarizes this state of affairs: "Schengen was Europe's illegitimate child (...). Yet even illegitimate children are, after all, children of love..." (Van der Rijt 1999: 37; author's translation)

Although they shared with their Schengen counterparts similar concerns about the current state of border control, the participants in the Brussels initiative had a different view on what a more effective solution to this problem should be. The European Commission, for example, stressed the fact that, while some kind of checks at borders still had to be carried out, they should

be minimal¹⁹. Not all member states agreed with the Commission. They nonetheless reproduced a similar discourse based on the effectiveness of the new initiative. The 1999 Palma Report (which summarized the plan of action for the border control domain in the EC framework) makes clear that the creation of an area without internal frontiers necessitates tighter controls at external frontiers. These controls must be “highly effective” because of the interdependence among partners and the necessity to build trust within the community, since member states “must be able to rely on them”²⁰.

Couched in these terms, the argument about the effectiveness of controls at the external frontiers became the official justification to move the initiative forward. It allowed participants to overcome – at least temporarily – the politically contentious issue of the interpretation of what the abolition of borders meant (i.e. whether it entailed all individuals or just EC citizens; Nanz 1996: 59 f7; see more *infra*). All participants in the Brussels initiative agreed that the free movement of persons, however defined, depended on effective compensatory measures at Europe’s external borders. Given that these measures had to be put into place before the abolition of internal control could be done - the argument went - why not beginning with them and come back later to the issue of the meaning of free movement? (Nanz 1996: 69). With this ‘*fuite en avance*’, supporters of the EC initiative hoped to overcome the concerns of sceptical partners (particularly the UK) by pointing at the level of common internal security achieved through the compensatory measures.

¹⁹ Communication of the Commission to the Council on the Abolition of Controls Of Persons at Intra- Community Borders, COM (88) 640 final Date: 7 December 1988, par. 7)

²⁰ “Free Movement of Persons: A Report to the European Council by the Coordinators' Group”. The document was initially kept secret. The British House of Lords Select Committee on the European Communities was the first official source to publish it (22nd Report 1988-9, “1992: Border Control of People” (HL 90), p. 55.

To summarize, in both Schengen and Brussels frameworks, members of the border community justified their pursuit by referring to the potential effectiveness of the new approaches to border control envisaged in each initiative. This justification helped members of the community to undertake activities that they would have not considered in normal circumstances. It cannot, however, explain why one initiative was eventually selected. It is to this question that I now turn.

Testing the new approaches to border control: Schengen vs. Brussels

The Schengen and Brussels initiatives took momentum towards the end of the 1980s and the beginning of the 1990s. Within Schengen, after the signing of the Implementation Convention in 1990, the discussion switched to the practical arrangements necessary for its full application. In the EC framework, the debate centred on how to address the many unresolved political and technical problems characterizing this policy domain before the crucial deadline of January 1993 (the date set by the Single European Act for the implementation of ‘Europe without frontiers’).

In both forums, special groups were set up to address these issues. Given space constraints, in the next paragraphs I will only focus on two cases (one from each initiative) that I deem representative of the way in which particularly thorny issues were addressed during these negotiations, and how in these diplomatic practices the key tenets of the Schengen and Brussels cultures were articulated by the members of the border control community. With regards to Schengen, I examine the issue of the ‘necessary conditions’ for the application of the new border control regime, while in the case of Brussels, I look at the debate over the interpretation of the meaning of ‘free movement’ as encapsulated in Article 8A of the Single European Act.

Testing Schengen: the debate over the 'preliminary conditions'

By September 1st 1993, all Schengen members had ratified the Schengen Implementation Convention (SIC), and thus on that date the agreement officially entered into force. In practice, however, this implied only the establishment of an Executive Committee ('COMEX'), which had to evaluate whether the preliminary conditions to implement the Convention were met. According to the ministers responsible for Schengen, these conditions were 7: external border control; uniform visa deliverance; asylum claims; realization of 'SIS' (Schengen Information System, a common data bank of polices within the Schengen territory); respect for the provisions of existing drug conventions; legal protection of personal data; circulation regime in airports (see declaration issued at the Luxemburg meeting on 19 June 1992). These conditions were closely related to the quality of border controls and the participants' attitude towards each another. In the COMEX meeting held in Madrid in November, all delegations strongly supported a declaration regarding the control at external borders. In it, they stressed the importance of the effectiveness of these controls, which is guaranteed if these controls "allow to face risks or threats which entail each concrete situation", and the necessity to carry out these controls "in a spirit of mutual trust and taking into account common interests, relying on means considered necessary by each state"²¹?

Among the participants at the negotiating table, however, disagreement over the steps that had to be taken to meet these conditions began to emergence. The French delegation was the most vocal in expressing its concerns. France blamed its partners for lack of political will and laxness at the borders. Frustrated by the lack of progress, in the spring of 1994 the French delegation announced that it was not ready to go along with its Schengen partners and abolish

²¹ Minutes of the Schengen Executive Committee Meeting of November 1992 (SCH/M (92) PV 2)

internal border controls in July as programmed. Alain Lamassoure, the French Minister for European Affairs, told the National Assembly Foreign Affairs Commission that there were dangers in ‘lifting border controls too quickly’. Hence France had to maintain its police controls at its frontiers as long as the preconditions for the entry into force of the Schengen Agreement were not fulfilled (Le Monde, 3.5.93). The other Schengen members were clearly irritated. The Dutch Prime Minister Ruud Lubbers declared that he was “seriously astounded” by the French decision, and that France would be bound to honour the Schengen Agreement's provisions²². Other Schengen members shared this view, though not publicly expressing it.

In the following months, under pressure from its partners, France reconsidered its position. At the Madrid COMEX meeting (June 1993), Paris accepted to fully participate in the implementation of the agreement. It continued to stress, however, the need to meet the preliminary conditions. The attitude of other partners was conciliatory, though their position remained firm. In the same Madrid meeting, the participants, “in order to reinforce the credibility of the Schengen model and to give the long waited positive signal” stated their intention to draft a declaration where they outlined the political objective of abolishing border controls by December 1st 1993²³. After a long debate the Committee agreed on a common text, indicating the first of December as target to apply the Convention, and pointed to the conditions that had indeed been met (common manual, visa issuance and common consular instructions, asylum claim demands; airports) and at the ‘extra efforts’ necessary in areas such drug policy, external border controls and the SIS²⁴.

²² Fortress Europe Circular Letter No. 16 (June 1993): “Schengen: France Says No To Open Borders”.

²³ Minutes of the Schengen Executive Committee Meeting of June 1993 (SCH/M (93) PV 1)

²⁴ *ibid.*

At Madrid, the agreement was political. It was based on the principles of effectiveness and mutual trust, which were used to counter France's criticism (Kerauden 1994: 126-27). This agreement, however, did not overcome the French reticence. At the Paris meeting on October 1993, the implementation of Schengen was pushed further away to February 1994. On December 14, the Executive Committee postponed the implementation again, this time *sine die*. Technical problems with one of the agreement's main pillars, the common police computer-system SIS, were blamed for the failure, although the main reasons were political²⁵.

As in previous rounds of negotiation, France was isolated. Negotiations, therefore, resumed, and in the fall of 1994 members of the Schengen Executive Committee reached an agreement on a new date (March 26 1995) for the entry into force of the Convention. The French delegation stressed once again the importance of doing as much as possible in the period leading to that date to achieve all the technical, organizational and effective measures, above all regarding external borders and visas. The delegation pointed at an initial phase of three months which had to be the object of special attention. The other delegations agreed, but stressed the need to render the entry into force of the Convention irreversible (no 'retour en arrière'), that had to work effectively and 'without any doubt'²⁶.

In the first meeting after the entry into force of Schengen Implementation Convention (April 1995), all delegations were satisfied with the working of the system. Only few points needed to be fixed. The most pressing problem was the functioning of the SIS, and thus the Committee decided for a transitional phase of three months during which the abolition of

²⁵ Fortress Europe Circular Letter No. 23 (March 1994): "European Squabbling Round After 'Schengen' Flop".

²⁶ Minutes of the Schengen Executive Committee Meeting of October 1994 (SCH/M (94) PV 3

controls was the responsibility of member states²⁷. Following concerns over the right of asylum, drugs, and modalities of border crossing, France requested an extension to this probation period. Other delegations, however, denied this request, claiming that it would go against the “spirit of Schengen”. In response, France, relying on article 2.2 of the Schengen Implementation Convention²⁸, declared that it would maintain controls over land borders with Belgium and Luxembourg as long as it was deemed necessary.

France’s action spurred an ‘intense debate’ at the following Schengen meetings²⁹. Discussion centred on the meaning of article 2.2, particularly on how to define what the notions of ‘public order’ and ‘national security’ meant. The delegations considered useful the conclusion of arrangements regarding the definition and application of this urgent procedure. The goal was to define in a more collegial way of approaching this issue, and to avoid narrow ‘national’ interpretations of this clause, as France was doing³⁰.

In the following months, both in meetings and in public speeches, the French representatives continued to defend their ‘national’ interpretation of Schengen, justifying their position on the basis of the effectiveness and ‘Europeanness’ of their approach. Without any tangible breakthroughs in sight, however, in the fall of 1995 France proposed to its Schengen partners a compromise. Paris argued that internal security would be ensured in the best way

²⁷ Minutes of the Schengen Executive Committee Meeting of 28 April 1995 (SCH/COM-EX (95) PV 1)

²⁸ Article 2.2. allows the resumption of national border control in case involving ‘national security’ and ‘public order’. Before using such provision, a Schengen member must inform its partners.

²⁹ See, for example, Minutes of the Central Group meeting of 4 April 1995 (CG 1995 003). Composed of high-level officials from national delegations, the Central Group was in charge of preparing the agenda for the Schengen COMEX meetings.

³⁰ Minutes of the Central Group meeting of 4 April 1995 (CG 1995 003); see also SCH/I (95) 39).

thanks to a ‘mobile and rigorous control’ in a border area of 20 Kilometres on each side of the border, rather than a traditional fixed control. The idea of ‘mobile frontiers’ (which would be put in place thanks to bilateral agreements between Schengen countries) was the object of a long debate within the Executive Committee³¹. Despite the German support, however, the committee recognized that the French proposition about mobile frontiers was not the object of agreement at the level of working groups³².

The confrontational dynamic between France and other countries thus continued. In the spring 1996, the Belgian Deputy Prime Minister and Interior Minister, Johan Van Delanotte, used a debate to mark the first anniversary of Schengen to attack the French attitude and its unwillingness to lift controls at the Belgian frontier. A month later, Paris announced that, despite the improvement in the bilateral agreements with Belgium and Luxembourg regarding transborder police cooperation, it would maintain its reliance on art 2.2 until a political advancement occurred in the negotiations with the Dutch government over the issue of drug policy³³.

Dissatisfaction with the French position did not abate in the following months. In the COMEX meeting of spring 1997, Luxembourg, supported by Belgium, openly criticized France for its use of the art. 2.2 clause, since in its view it was not based on justified grounds. France responded by arguing that it had indeed embraced the Schengen spirit by abolishing control at the Spanish and German borders. It added that it was not yet possible to indicate when there will be a political decision at higher levels to abolish controls at the other borders. The problem

³¹ Minutes of the Schengen Executive Committee Meeting of 24 October 1995 (SCH/COM-EX (95) PV4);

“Schengen: ‘Mobile frontiers’ introduced”, Statewatch bulletin, Vol. 5 No 6, November-December 1995.

³² Minutes of the Schengen Executive Committee Meeting of 24 October 1995 (SCH/COM-EX (95) PV 4).

³³ Minutes of the Schengen Executive Committee Meeting of 27 June 1996 (SCH/COM-EX (96) PV 3).

remained that of drug trafficking. The Dutch delegation affirmed that France's application of art. 2.2 for such a long period contradicted the very content of the Convention and that objectively there was no reason to maintain this position³⁴.

As negotiations progressed, France remained isolated, and its stance appeared more and more unsustainable. Paris had to defend itself not only within the closed doors of the Schengen Executive Committee, but also publicly. Tellingly, an embarrassed French foreign minister could not respond to the sarcastic question posed a journalist on the reasons why France was the only Schengen country requiring derogations from the regime: "Why then do all criminals choose to go to France and not to other countries?"³⁵.

By mid 1997, the Schengen regime had been operational for more than two years. The experiment had been overall successful. No major security breach had occurred. Cooperation among Schengen members had been smooth. Paris had therefore a hard time convincing its partners about the validity of its alternative approach. It is in this context that the French delegation started to soften its 'nationalist' position, and to slowly move towards that of the other Schengen members. Despite the claims to the contrary, in this period France *de facto* applied Schengen at the Belgian and Luxembourg borders. While the policing of the drug trafficking *route* to and from the Netherlands continued, no systematic checks were performed along these frontiers. Only in times of sudden crises border controls were reinstated (e.g. the December 1996 bombings in Paris). These actions, however, were generally circumscribed and temporary. Arguably, they represented demonstrative acts aimed at showing that the government was indeed

³⁴ Minutes of the Schengen Executive Committee Meeting of April 25 1997 (SCH/COM-EX (97) PV 1 rév. 2).

³⁵ Joint Press Conference of Michel Barnier, French Minister in charge of European Affairs, and Vande Lanotte, Belgian foreign Minister and president of Schengen Executive Committee, 29 June 1995.

alert and resolute. In this regard, Paris was not alone. Other Schengen members periodically resorted to this practice to shore up support from their domestic constituencies³⁶.

Albeit reluctantly, France therefore eventually accepted the Schengen's 'spirit' when sitting at the Schengen Executive Committee's table and in the everyday practices at the border. It was with this newly achieved consensus that Schengen members could start the debate over the regime's formal incorporation in the European Union.

Testing Brussels: 'Europe without frontiers' and the meaning of freedom of movement

As pointed out in the discussion about the pursuit of the Brussels initiative, despite the differences of opinion over the link between the achievement of the goal of the Common Market and the abolition of internal borders, delegations had agreed to begin negotiations in the EC framework. On these bases, in the summer of 1989 the French presidency submitted two drafts conventions to the Ad Hoc Group Immigration. The first was the "Convention Between The Member States Of The European Communities On The Crossing Of Their External Frontiers" ('Borders Convention'), the second the "Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities" (which will be known as the 'Dublin Convention'). Without much debate, all member states agreed to discuss these documents, and hoc groups to examine the various aspects of the Conventions were set up.

While the Dublin Convention was agreed upon in a relatively short time, negotiations on the Borders Convention turned out to be problematic. The most contentious issue was the meaning of 'borders' for the purpose of the convention and the implications that their abolition

³⁶ For an analysis of the use (and misuse) of article 2.2 by Schengen members, see Groenendijk 2004.

would have had for member states (Denza 2002: 72). As we have seen, the negotiators had decided to postpone any decision over the issue of the interpretation of article 8a (i.e. the meaning of free movement in the EC) at the end of the process. They soon realized, however, that this was not possible. This question involved substantial matters, such as the distribution of competence between member states and European institutions, which needed to be resolved before a final agreement on the content of the Convention could be reached.

In the first rounds of negotiations, two camps thus emerged, which by and large mirrored divisions at earlier stages. On one hand, a group of 'historical' Community members, supported by the Commission, defended a broad interpretation of article 8A. The article established the goal of 'progressively establishing the internal market', defined as an 'area without borders'. According to this group, since the area was equated to an internal (i.e. domestic) market, the abolition of borders should apply to both EC and non-EC citizens. Indeed, if that was not the case, controls had to be reinstated to determine nationality of individuals at borders, and this would have gone against the agreed common objective of abolishing internal borders.

On the other hand, a group of recalcitrant delegations led by the United Kingdom (the other members were Ireland, Denmark and Greece) took a 'restrictive' approach to Article 8a. These countries emphasized the fact that the SEA left open the possibility for member states to control (and possibly limit) the process leading to the creation of an 'area without borders', in particular by recurring to the 'public security' and 'public policy' grounds. This 'nationalist' interpretation was backed up by reference to two declarations ('Declarations on Art. 13 to 19' and 'Declaration to article 8a') added to SEA, which explicitly mentioned the centrality of member states in the border control field. Besides relying on legalist arguments, these delegations claimed that the goal of the Internal Market could be achieved through simple

intergovernmental cooperation, and therefore supra-national approaches (i.e. through the Community) were not necessary. To support this claim, they repeatedly pointed at the fact was that border control had an important security dimension, which only national governments could appropriately address. Geographical arguments were also brought forward to justify the need for national approaches to address the issue (particularly by the UK, but also by Greece; Baker says border controls must stay *The Times*, 14.6.1991).

Despite these differences, a final text of the Borders Convention was agreed upon on June 1991. Given the diverging interpretations of its content, the likelihood of the Convention becoming operational in the near future was very low. Nonetheless, what prevented its formal approval was an issue that came up late in the negotiations, that of the dispute between Spain and the United Kingdom over the status of Gibraltar (the contended British enclave in Spanish territory) for the purposes of the Convention.

While the negotiations over the Borders Convention stalled, the Commission became more vocal in its attempt to convince member states to meet the January 1993 deadline for the complete abolition of border controls. The Commission started to raise its voice, particularly against the United Kingdom. The tone reached confrontational levels in the spring of 1992. The Commission publicly warned the UK the abolition of border controls was “a clear and straightforward objective. It imposes an obligation to produce results and leaves no margin of discretion. All controls must go, whatever their form and whatever their justification.” (*The Guardian*, London, 8.5.1992). The British government remained firm in its position opposing the lifting of controls, and responded in turn to what it perceived as an ultimatum. According to the then Home secretary, Kenneth Clarke, “It is for individual member states to take the measures

they consider most appropriate to control immigration from third countries and to combat terrorism, crime and drugs.” (ibid.; see also The Times 15.05.1992)

Given the limited results of previous attempts, in the following months the Commission turned to a more conciliatory approach, and proposed a pragmatic solution in view of the January 1993 deadline. After meeting with the British Home Secretary in Lisbon (July 1992) and London (September 1992), Martin Bangemann, Vice-President of the European Commission responsible for internal border controls, suggested a one line resolution calling for ‘no systematic border controls’ after 1 January 1993. The idea, widely reported in the press as the ‘Bangemann wave’, entailed that EC nationals entering the UK would not be subject to thorough checks, but walk through passport control holding up their passports or national identity cards and showing it to the British authorities.

The other member states (particularly those involved also in the Schengen initiative) were ‘lukewarm’ about the Commission’s proposal. Discussing the issue within the Schengen framework (Madrid, November 1992), all delegations insisted on the ‘inseparable link’ between the abolition of control at internal borders and the existence of controls at the external frontiers. They added that if the UK wanted to make a unilateral step, they would not oppose it. Yet, they argued that “a provisional solution seems not the most appropriate for such a fundamental question”³⁷. In drawing the conclusions of the discussion, the Spanish presidency argued that it was on the basis of the Convention and its application that it would be possible to further look for pragmatic solutions between Schengen and other EC members. It therefore suggested the Commission to re-examine its proposal³⁸.

³⁷ Minutes of the Schengen Executive Committee Meeting of 6 November 1992 (SCH/M (92) PV 2).

³⁸ Minutes of the Schengen Executive Committee Meeting of 6 November 1992 (SCH/M (92) PV 2)

The solution proposed by the Commission was not enough, however, to convince the United Kingdom. It had been assumed that the compromise discussed between Clarke and Bangemann would apply to all entry to the UK by EC nationals. The British government argued instead that the 'Bangemann wave' was applicable only to seaports and not airports – the point through which most people entered the country. Moreover, London would not introduce this measure until the Schengen countries removed their internal controls (expected to cover sea and land entry by the summer and airports by the end of 1993). The British government thus maintained its commitment to keep 'indefinitely' controls at its borders.

In the meanwhile, the position of other members of the recalcitrant group began to change. The long-standing difference between, on one hand, the UK, Ireland and Denmark, and, on the other, the rest of the EC had often been presented by the UK as a united front determined to maintain border controls to check for terrorists, drugs and illegal immigrants. Starting from 1993, however, Denmark took a different position from the UK's. This was clearly demonstrated at the Copenhagen meeting of Ministers (June 1993). In this occasion, the Danish government hinted at the fact that when three conditions were met it would have removed internal border checks with Germany. These conditions were the ratification of the Dublin Convention and the Border Convention and the establishment of EIS (the European Information System, an EC-wide computer database covering immigration, policing and legal matters). In this period, Greece changed as well its position and assumed a more 'Communitarian' attitude.

Despite the British growing isolation, negotiations within the EC framework did not advance in the years that followed. Hence, although the Borders Convention remained on the agenda, no substantial progress was made. Not even the establishment in 1993 of a Justice and Home Affairs (JHA) policy domain within the EC (now 'EU') and the ambitious program it

entailed helped revamping the process. In November 1993, the Commission tabled a proposal regarding the Borders Convention³⁹. The proposal took over the text agreed on June 1991 and updated in light of the newly created JHA domain. The Commission's activism, however, was not enough to overcome the impasse. Since the beginning of 1994, this proposal was under examination in the External Frontier working group, the *ad hoc group* within the European Council responsible for this file. There the proposals languished and was never approved. The failure of the Brussels initiative became official when in 1999 (the year of Treaty of Amsterdam entered into force), the Schengen regime and its *acquis* were formally incorporated in the European Union framework, thus displacing the work carried out in that forum until that moment.

The fixation of belief, or why Schengen became the official model of border control in Europe

How do we make sense of the developments characterizing the two initiatives? Why was Schengen eventually selected and not Brussels? According to a pragmaticist interpretation of these events, during the negotiations in the two forums members of the border control community (here mostly national delegations, with the participation of the European Commission) deployed 'standard' arguments to justify their actions, each based on the assumptions underlying the Schengen and Brussels models. The former involved the articulation of the link between the existence of a European shared external border, and an 'intensive transgovernmental' approach to border control as the best way to grant security and freedom across Europe. The latter entailed instead the introduction of a more 'communitarian' approach, which stressed the role of European Community's principles for the realization of the project of

³⁹ 'Proposal for a Decision about the Conclusion of the Border Convention' (COM (93) 684).

abolishing border control within the continent. In both forums there were recalcitrant parties that attempted to challenge these arguments (here I have focused on the cases of France and United Kingdom) with a ‘nationalist’ reading of the Schengen and Brussels initiatives. Their strategy was to focus on the effectiveness of the proposed approach (e.g. France stressing the need for a ‘Schengen that works’; the UK focusing on the need to keep high standards of security at borders), and on the possibility of achieving a *collective* security through *national* means (e.g. the French proposal for ‘mobile frontiers’, the British emphasis on its expertise as ‘bastion’ against external threats). In order to boost the legitimacy of their position, all delegations tried to justify their position by presenting it as compatible with the European project and as offering tangible results for their citizens.

The relation between ‘standard’ and ‘counter’ arguments was dynamic. Hence, over the course of negotiations, some members of the community responded to the challenges posed by recalcitrant parties. They did so by reiterating the ‘logical’ link between the creation of a common border and the need for a common approach for its control, and exposing the inconsistencies of the opposing side’s position. In each forum, however, different strategies were employed for this purpose. Hence, within Schengen members of the community stressed the reasonableness of the maxim ‘more freedom, more security’, making it explicit the connection with the European integration project. In turn, they pointed at the recalcitrant party’s lack of trust in other partners, and thus implicitly branding the opposing view as ‘anti-European’. In the EC context, the focus was put (particularly by the European Commission) on economic aspects, with references to the advantages that the abolition of controls would have brought to all European countries and their citizens. In turn, recalcitrant parties were criticized because their stance

represented a serious obstacle to the objective of the Common Market (objective which they all shared).

Over the course of the negotiations, in both forums there were signs of convergence of the standard and counter arguments. This is demonstrated by attempts to find compromises (e.g. in Schengen, the proposal on ‘mobile frontiers’; in the EC, the ‘Bangemann wave’). These convergences, however, differed in terms of the trajectories they followed. In the case of Schengen, it was the French argument that moved towards the standard one. In the EC context, it was instead the ‘communitarian’ argument that accommodated the British approach.

In these parallel processes, while the standard narrative in Schengen became stronger and more coherent (more emphasis on security; more member states endorsing it and in a more vocal way), that in the EC framework became weaker (delegations lost confidence in its power and only the Commission continued to actively support it). The final result was that, over time, the Schengen narrative became dominant, leaving less ‘discursive space’ for alternative accounts. It is in this context that France eventually was persuaded to accept the standard argument, thus paving the way for the implementation of the Schengen regime. This instead did not occur in the Brussels framework. Here the United Kingdom maintained its position opposing the abolition of internal borders, thus contributing to the failure of the initiative.

The end result of this ‘testing’ process was that Schengen regime outperformed the competition and succeeded in becoming the new official approach to border control in Europe. With the entry into force of the Treaty of Amsterdam in 1999, the regime was formally incorporated in the EU. What only a few years before was considered unthinkable, became reality. The ‘fixation’ of Schengen as the new commonsensical model to manage Europe’s borders had successfully taken place.

Conclusion: pragmatist politics and the politics of pragmatism

The recent pragmatist turn in IR has injected new life in current debates within the discipline and enriched its theoretical scope. It is in this spirit of creative engagement that in this paper I have assessed the contribution that a Peircean approach to the study of world politics can offer. Although originally formulated for the hard sciences, some of Peirce's ideas and themes are relevant for this field of inquiry. This is especially the case for the pragmatist conceptualization of the logic of inquiry based on abductive reasoning and empirical validation. The added value of Peirce's insights is that they offer a promising common framework in which both rationalist and more sociologically oriented approaches in IR can start a fruitful dialogue.⁴⁰

In order to appraise its potential in explaining political phenomena, I have applied this model to one of the most recent and, arguably, more remarkable developments in European politics, namely the emergence of a EU-based, post-national approach to border control in the region. I have shown how a pragmatist approach can cogently explain how this 'epochal' event came about, pointing to the abductive logic followed by Europe's border control community in pursuing what at the time (the late 1980s) seemed unthinkable and then how through a process of practical testing, members of the community accepted it as new official way of managing Europe's frontiers.

⁴⁰ For some authors, Peirce is a sui generis postmodern author, and as such his ideas could be used to expand even further this conversation. According to Ochs, the postmodern themes in Peirce are the critical character of his forward thinking, reflexivity, the performative nature of his thinking which embodied its purpose in the way it actually responded to the discomforts of modernity, the role of antecedent practices and commonsense in today's world, his fallibilism, and the central role of creativity and imagination in human practices (Ochs 1993:58-60).

The application of a pragmatist model to world politics is therefore promising, and it could be fruitfully pursued in other realms in world politics where issues of change and innovation are paramount (e.g. international organizations; Haas and Haas 2002). At the same time, the grafting of this model from the natural sciences (the domain Peirce had in mind when he developed his ideas) and world politics is not without problems. The most challenging aspect of this exercise lies in the fact that a crucial element characterizing world politics seems to be missing in the Peircean model. This aspect is power.

This is definitely a big hurdle, but it is not insurmountable. Although indirectly, Peircean ideas have political implications that touch upon the issue of power. This suggestion is based on a critical reading of Peirce's treatment of the logic of inquiry as a system to interpret reality. In this interpretation, reality is not given to us human beings but is the result of the debate within a given community. This debate that can be very conflictual, and it might never be completely settled. The 'struggle to fix belief' is thus the equivalent of the battle occurring in the political arena, where policy-makers wrestle with each other to impose their own political view. This battle is not decided solely by the material capabilities owned by an individual or group (though these capabilities can help, in the same way that a scientist with strong financial and institutional backing might have an advantage over his/her 'poorer' colleagues). The fixing of belief will be shaped by the concrete results obtained by a given proposal, which members of the community can bring to the negotiating table to back up the reality they are envisaging.

Although not immediately apparent, this vision of politics also encapsulates a democratic potential⁴¹. The idea of practical verification is a central part of theories of democracy

⁴¹ The political implications I am referring to here are not in fact a reflection of his personal views. Inferring from the little he said on the topic, Peirce was most likely a conservative (Ward 2001).

(Livingston 1996). A plurality of methods is required not only to grasp social and political facts in all their complexity, but also, and more importantly, because these facts are from the start taken as ‘problematic situations’ by a variety of actors from a variety of different positions and perspectives, all subjected to public criteria of successful problem-solving (Bohman 2002: 506.) These ideas can have a direct bearing on the case that I examined in this essay. The European Union project has often been criticized for being elitist and lacking proper popular support. Adopting a pragmaticist attitude (both by politicians and academics) can be a first step towards gaining the democratic credentials Europe currently lacks.

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